

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 - - -
5 IN RE: NATIONAL : MDL NO. 2804
6 PRESCRIPTION OPIATE :
7 LITIGATION :
8 -----

9 : CASE NO.
10 THIS DOCUMENT : 1:17-MD-2804
11 RELATES TO ALL CASES:
12 : Hon. Dan A.
13 : Polster
14 - - -

15 Friday November 2, 2018
16 - - -

17 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
18 CONFIDENTIALITY REVIEW
19 - - -

20 Videotaped deposition of
21 JULIE SNYDER, taken pursuant to notice,
22 was held at the law offices of Lief
23 Cabraser Heimann & Bernstein, LLP, 250
24 Hudson Street, 8th Floor, New York, New
25 York 10013 beginning at 9:12 a.m., on the
26 above date, before Amanda Dee
27 Maslynsky-Miller, a Certified Realtime
28 Reporter.

29 - - -
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1 now swear in the witness.
2 - - -
3 JULIE SNYDER, after having
4 been duly sworn, was examined and
5 testified as follows:
6 - - -
7 EXAMINATION
8 - - -
9 BY MR. MELAMED:
10 Q. Good morning, my name is
11 Matt Melamed, and I represent plaintiffs
12 in this matter, from the law firm of
13 Robbins Geller Rudman & Dowd.
14 I said this before we went
15 on the record, if you need to take a
16 break at any time, please let me know.
17 I'll just ask that we don't take a break
18 in the middle of a line of questioning.
19 That's goes for the court
20 reporter, videographer, anyone else in
21 the room. Just give me a wave.
22 Can you please provide your
23 full name, your home address and your
24 work address for the record, please?

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1 MS. WELCH: I'm sorry, are
2 we going to put appearances on the
3 record?
4 - - -
5 (Whereupon, a discussion off
6 the record occurred.)
7 - - -
8 THE WITNESS: Julie Snyder.
9 I live at 12 Pomeroy Road in
10 Madison, New Jersey. And my work
11 address is 5 Giralda Farms in
12 Madison, New Jersey, as well.
13 BY MR. MELAMED:
14 Q. Have you been deposed
15 before?
16 A. Yes. Once.
17 Q. So you're somewhat familiar
18 with the process; is that right?
19 A. Somewhat, yes.
20 Q. What was the nature of the
21 matter you were deposed in?
22 A. It was for one of the
23 products that I worked on. It was an
24 antitrust case, I believe.

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1 Q. Do you know who is -- what
2 was the product you worked on that was
3 the subject of that?
4 A. It was Namenda XR.
5 MS. WELCH: Keep your voice
6 up just a little bit, there's a
7 fan in the room.
8 THE WITNESS: Namenda XR,
9 which is a product for moderate to
10 severe Alzheimer's disease.
11 BY MR. MELAMED:
12 Q. And what was the company
13 that manufactured Namenda XR?
14 A. The company that
15 manufactured it, at the time, I believe
16 it was Forest Laboratories.
17 Q. And who did you represent --
18 who were you testifying for in that suit,
19 if anyone?
20 A. I believe it was Forest
21 Laboratories. But there's been a number
22 of mergers and acquisitions that I'm not
23 totally familiar with.
24 Q. So I'll just go over a few

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1 basic rules of the deposition.
2 A. Sure.
3 Q. Hopefully, these are
4 familiar to you from that experience.
5 Let's try not to talk over
6 each other, even if you know where I'm
7 going with the question. Please let me
8 finish. That's primarily so that we get
9 a clear record of the question and
10 answer.
11 A. Sure.
12 Q. Please respond verbally; no
13 nodding, no shaking your head. I may ask
14 you, if I see that you've nodded
15 affirmatively or shaken your head, to
16 just state for the record clearly what
17 the response was.
18 Please respond in a way
19 that's easily transcribed, so no uh-huhs
20 or uh-uhs, which are difficult to
21 capture, instead yeses or nos or the
22 like.
23 My job today is to ask clear
24 questions. If you're unclear about what

<p style="text-align: right;">Page 14</p> <p>1 I'm asking, please let me know so I can 2 try to clarify it. 3 Your counsel may object to 4 certain of my questions from time to 5 time. That's fine. You still need to 6 answer the question, unless you get an 7 instruction from your counsel not to 8 answer the question, in which case it 9 remains your choice whether to answer, 10 and I will ask you whether you choose to 11 answer or not. 12 Do you understand? 13 A. Yes. 14 - - - 15 (Whereupon, Allergan-Snyder 16 Exhibit-001, Timeline of Key 17 Dates, was marked for 18 identification.) 19 - - - 20 (Whereupon, Allergan-Snyder 21 Exhibit-002, Summary Notes of 22 Witness Spreadsheet; Topic, 23 Objections, Responses, Materials 24 Reviewed, was marked for</p>	<p style="text-align: right;">Page 16</p> <p>1 through 5, which are materials that were 2 provided by counsel that I believe you 3 used to prepare for today; is that 4 correct? 5 A. These are documents that I 6 put together based on my preparation. 7 Q. Did you create each of those 8 documents? 9 A. At my direction, my counsel 10 put together the information. I then 11 marked it up and changed it. And so they 12 pretty much typed it up, but I was -- it 13 was all at my direction. 14 Q. And that's true for the 15 timeline of key dates, which is Exhibit 16 Number 1? 17 A. Yes. 18 Q. And same for the Exhibit 19 Number 2, which is a cheat sheet to 20 Exhibit Number 3; is that correct? 21 MS. WELCH: She doesn't have 22 exhibit numbers on it. 23 MR. MELAMED: I'm sorry. 24 You can use the ones with the</p>
<p style="text-align: right;">Page 15</p> <p>1 identification.) 2 - - - 3 (Whereupon, Allergan-Snyder 4 Exhibit-003, Witness Spreadsheet; 5 Topic, Objections, Responses, 6 Materials Reviewed, was marked for 7 identification.) 8 - - - 9 (Whereupon, Allergan-Snyder 10 Exhibit-004, Topic 12 Spreadsheet; 11 Entity, Point of Contact, Type of 12 Data Provided, was marked for 13 identification.) 14 - - - 15 (Whereupon, Allergan-Snyder 16 Exhibit-005, 17 ALLERGAN_MDL_00988613-679, 18 Contract Sales Force Agreement, 19 Ventiv Commercial Services and 20 Actavis Kadian LLC, was marked for 21 identification.) 22 - - - 23 BY MR. MELAMED: 24 Q. I've marked Exhibits 1</p>	<p style="text-align: right;">Page 17</p> <p>1 exhibit numbers, they are right in 2 front of you. 3 THE WITNESS: Yes. So 4 Number 2 is the cheat sheet for 5 Number 3. 6 So, for example, I wrote 7 this all down and then someone 8 typed it up for me. 9 BY MR. MELAMED: 10 Q. And Number 4 is specific to 11 Topic 12; is that correct? 12 A. Number 4, yes, that's 13 specific to Topic 12. 14 Q. And you created that? 15 A. Yes. At my direction, my 16 attorneys typed it up. Same as the 17 others, yes. 18 Q. Counsel created it at your 19 direction, correct? 20 A. My direction, yes, they 21 typed it up. 22 But it's my -- I marked it 23 up and made sure it was -- the 24 information that I wanted in there was in</p>

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1 there.
 2 Q. And then Exhibit-5 is a
 3 contract sales force agreement by and
 4 between Ventiv Commercial Services and
 5 Actavis Chadian LLC, correct?
 6 A. A contract between Ventiv
 7 and Actavis, yes.
 8 Q. We may return to these
 9 later. You can put them aside for now.
 10 As a general matter, try to keep the
 11 marked exhibits neat. So when we go back
 12 to them, it will be easier to go back to.
 13 I'm going to hand you what's
 14 previously been marked Exhibit 1 from the
 15 Allergan Kaufheld deposition.
 16 Have you seen this document
 17 before?
 18 A. It looks familiar. I'm not
 19 sure if I saw this exact one, but it
 20 looks familiar.
 21 Q. You know that you are
 22 designated, on the second -- on the
 23 second page, which is Page Number 1 of
 24 this, to testify on behalf of the

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1 corporate entity for a series of topics,
 2 correct?
 3 A. Yes.
 4 Q. And you are prepared to
 5 testify on those topics today?
 6 A. Yes, I am prepared.
 7 Q. What is the name of the
 8 corporation you've been designated to
 9 provide testimony on behalf of?
 10 A. It's on behalf of Allergan,
 11 I'm not clear on the exact corporate
 12 structure. That wasn't part of my --
 13 what I prepared for.
 14 But my understanding is it's
 15 Allergan. I believe Allergan Finance.
 16 Q. Are you prepared to offer
 17 testimony on behalf of Watson
 18 Pharmaceuticals, Inc.?
 19 A. On behalf of Watson?
 20 MS. WELCH: Objection to the
 21 extent you're asking her legal
 22 questions. She's been designated
 23 on behalf of Allergan Finance,
 24 LLC. That's clear from the

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1 pleading that you've put in front
 2 of her.
 3 MR. MELAMED: I was asking
 4 the witness who she understands
 5 she's been designated to testify
 6 on.
 7 MS. WELCH: And she answered
 8 the question. And in response to
 9 follow-up questions, I'm saying
 10 it's clear, on behalf of the
 11 pleading, who she's been
 12 designated to testify on behalf
 13 of.
 14 MR. MELAMED: You're free to
 15 object.
 16 BY MR. MELAMED:
 17 Q. Can you answer the question,
 18 please?
 19 A. Can you repeat the question?
 20 Q. Sure.
 21 Are you prepared to testify
 22 on behalf of Watson Pharmaceuticals, Inc.
 23 today?
 24 MS. WELCH: Same objection.

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1 THE WITNESS: My
 2 understanding is I'm here to
 3 testify on behalf of Allergan
 4 Finance.
 5 BY MR. MELAMED:
 6 Q. How many employees does
 7 Allergan Finance have?
 8 A. I'm really not familiar or
 9 prepared to discuss the intricacies of
 10 the corporate structure of Allergan.
 11 Q. Do you know who you are
 12 employed by, which Allergan entity you
 13 are employed by?
 14 A. Yes. I did prepare
 15 information on that.
 16 So I'm a member of the
 17 marketing department, which is part of
 18 Allergan USA, Inc.
 19 Q. Allergan USA, Inc. is a
 20 wholly owned subsidiary of Allergan PLC;
 21 is that correct?
 22 A. Again, I'm really not
 23 familiar with the corporate structure and
 24 didn't understand that to be part of the

<p style="text-align: right;">Page 22</p> <p>1 prep for today.</p> <p>2 Q. Are you prepared to testify</p> <p>3 on behalf of -- to provide answers on the</p> <p>4 designated topics on behalf of the</p> <p>5 Actavis Group?</p> <p>6 MS. WELCH: Objection to</p> <p>7 form. Objection. I don't know</p> <p>8 how you're defining "Actavis</p> <p>9 Group."</p> <p>10 And, again, based on the</p> <p>11 pleading in the case prepared by</p> <p>12 counsel, it is clear she is</p> <p>13 testifying on behalf of the named</p> <p>14 defendant in the case who has been</p> <p>15 served.</p> <p>16 THE WITNESS: So, again, I'm</p> <p>17 here to testify on behalf of</p> <p>18 Allergan Finance.</p> <p>19 BY MR. MELAMED:</p> <p>20 Q. And you are not here to</p> <p>21 testify on behalf of Allergan,</p> <p>22 Incorporated -- I'm sorry, let me</p> <p>23 withdraw that.</p> <p>24 You are not here to testify</p>	<p style="text-align: right;">Page 24</p> <p>1 of Allergan Finance, LLC.</p> <p>2 BY MR. MELAMED:</p> <p>3 Q. Are you prepared to testify</p> <p>4 on the designated topics on behalf of</p> <p>5 Allergan PLC?</p> <p>6 MS. WELCH: Same objections.</p> <p>7 THE WITNESS: I'm prepared</p> <p>8 to talk about the topics on behalf</p> <p>9 of Allergan Finance LLC.</p> <p>10 BY MR. MELAMED:</p> <p>11 Q. You know that Allergan</p> <p>12 Finance LLC is the successor to Actavis,</p> <p>13 Incorporated, correct?</p> <p>14 MS. WELCH: Objection to</p> <p>15 form.</p> <p>16 THE WITNESS: Again, I am</p> <p>17 not familiar with the intricacies</p> <p>18 of the corporate structure.</p> <p>19 BY MR. MELAMED:</p> <p>20 Q. So you don't know whether</p> <p>21 your testimony will also be on behalf of</p> <p>22 the entity formerly known as Actavis,</p> <p>23 Incorporated; is that correct?</p> <p>24 MS. WELCH: Objection to the</p>
<p style="text-align: right;">Page 23</p> <p>1 on behalf of the company formerly known</p> <p>2 as Actavis, Incorporated; is that</p> <p>3 correct?</p> <p>4 MS. WELCH: Objection to</p> <p>5 form. Same series of objections.</p> <p>6 The pleading is clear who she is</p> <p>7 testifying on behalf of in the</p> <p>8 case.</p> <p>9 MR. MELAMED: Just object to</p> <p>10 form.</p> <p>11 Thank you.</p> <p>12 THE WITNESS: I mean, again,</p> <p>13 I've been designated to testify on</p> <p>14 behalf of Allergan Finance. I'm</p> <p>15 not familiar with the legal</p> <p>16 entities and different corporate</p> <p>17 structures.</p> <p>18 BY MR. MELAMED:</p> <p>19 Q. Are you prepared to testify</p> <p>20 on the designated topics on behalf of</p> <p>21 Actavis PLC?</p> <p>22 MS. WELCH: Same objections.</p> <p>23 THE WITNESS: I'm prepared</p> <p>24 to talk about the topics on behalf</p>	<p style="text-align: right;">Page 25</p> <p>1 extent it calls for a legal</p> <p>2 conclusion. Same --</p> <p>3 MR. MELAMED: I'm asking --</p> <p>4 I'm just asking if she knows --</p> <p>5 MS. WELCH: I can put my</p> <p>6 objections on the record.</p> <p>7 MR. MELAMED: Please</p> <p>8 object --</p> <p>9 MS. WELCH: Same objections.</p> <p>10 MR. MELAMED: Please object</p> <p>11 as to form, and then let her</p> <p>12 answer the question. As opposed</p> <p>13 to instructing her how to answer</p> <p>14 the question.</p> <p>15 MS. WELCH: I'm not</p> <p>16 instructing. I'm objecting that</p> <p>17 you're asking for a legal</p> <p>18 conclusion. And I'm going to</p> <p>19 place that on the record.</p> <p>20 BY MR. MELAMED:</p> <p>21 Q. I'm asking whether you</p> <p>22 understand that your testimony today --</p> <p>23 let me withdraw that.</p> <p>24 I'm asking whether you're</p>

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1 prepared -- whether your testimony today
2 will be on behalf of the company formerly
3 known as Actavis Incorporated?
4 MS. WELCH: Same objections.
5 THE WITNESS: I'm here to
6 talk on behalf of Allergan
7 Finance, LLC. And I don't know
8 the corporate structure well
9 enough to comment on that.
10 BY MR. MELAMED:
11 Q. So I'm just going to ask a
12 series of yes/no questions.
13 Are you aware that Allergan
14 Finance LLC is a successor to Actavis,
15 Incorporated?
16 MS. WELCH: Objection to
17 form.
18 THE WITNESS: Again, I'm not
19 familiar with the corporate
20 structure.
21 BY MR. MELAMED:
22 Q. Are you aware that Actavis,
23 Incorporated is the successor to Watson
24 Pharmaceuticals, Incorporated?

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1 MS. WELCH: Objection to
2 form.
3 THE WITNESS: Can you ask
4 that again, please?
5 BY MR. MELAMED:
6 Q. Are you aware that Actavis,
7 Incorporated is the successor to Watson
8 Pharmaceuticals, Incorporated?
9 MS. WELCH: Same objection.
10 THE WITNESS: I'm not clear
11 on the corporate structure and how
12 that was put together.
13 I do know that there were a
14 number of mergers and
15 acquisitions, and I don't know the
16 full details of them.
17 BY MR. MELAMED:
18 Q. Okay. So as a general
19 matter, when I ask you questions about
20 marketing, for instance, of Norco, which
21 has been marketed by Watson
22 Pharmaceuticals, Incorporated going back
23 approximately 20 years, are you going to
24 be able to answer questions about Watson

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1 Pharmaceuticals, Incorporated's marketing
2 of Norco in the early 2000s?
3 A. I will be able to answer
4 questions about the detailing of Norco,
5 not exactly which legal entity people
6 were employed by.
7 Q. How long have you been in
8 your current position?
9 A. My current role, since
10 January of 2018.
11 Q. And prior to that, what role
12 were you in?
13 A. I was in a series of
14 marketing roles at Forest Labs, Actavis
15 and Allergan.
16 Q. Let's take that question
17 from the other side.
18 Can you briefly recount your
19 educational history, starting with
20 college, and work history subsequent to
21 college, please.
22 A. Sure. I have a Bachelor's
23 Degree from Drew University in Madison,
24 New Jersey. After that, I received an

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1 MBA -- I don't know if you want to know
2 what my Bachelor's was in, it was in
3 applied math.
4 And then I have an MBA in
5 marketing from Rutgers University.
6 Q. And then after -- did you
7 work between the time you graduated Drew
8 and the time you received your MBA at
9 Rutgers?
10 A. I did my MBA part time, so I
11 was working before and during the time --
12 Q. And what --
13 A. -- I was getting that.
14 Q. Sorry for interrupting you.
15 What company were you
16 working with?
17 A. So I was actually -- my
18 first job right after college was I was a
19 teacher for, I believe, it was Jefferson
20 Township public schools.
21 Q. And then subsequent to
22 graduating from Rutgers, what jobs have
23 you held?
24 A. So I'll talk about after

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1 teaching, because I was getting my MBA
 2 while working.
 3 So after -- I was a teacher
 4 for about three months. And then I was
 5 employed by Prudential and that was about
 6 two and-a-half to three years.
 7 Q. What did you do at
 8 Prudential?
 9 A. I worked in the actuarial
 10 group in their individual health
 11 insurance.
 12 Q. Then after you worked in the
 13 actuarial group at Prudential, what did
 14 you do?
 15 A. Then -- it's a long time
 16 ago. I'm just trying to recall.
 17 Then I went to Lowenstein
 18 Sandler for about three months in a
 19 database marketing capacity.
 20 Q. After Lowenstein Sandler,
 21 what did you do?
 22 A. After Lowenstein Sandler, I
 23 went to a company called NECA, the
 24 National Exchange Carrier Association.

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1 That was a telecommunications company.
 2 Q. And you did that
 3 approximately what dates?
 4 A. That would have been, I
 5 believe, 1999 to 2002.
 6 Q. And after you left NECA,
 7 where did you go?
 8 A. Then I was at a company
 9 called Health Products Research, or HPR,
 10 which is a pharmaceutical consulting
 11 company. I was there for about two
 12 years.
 13 Q. What was your role at Health
 14 Products Research?
 15 A. I worked on analytics for
 16 the pharmaceutical industry. I don't
 17 remember my exact title, but I worked on
 18 call planning and targeting for
 19 pharmaceutical clients.
 20 Q. Are you aware of the
 21 entities that are defendants in this
 22 lawsuit?
 23 MS. WELCH: Objection to
 24 form.

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1 THE WITNESS: Not all of
 2 them, no.
 3 BY MR. MELAMED:
 4 Q. Did you -- when you were at
 5 HPR, did you provide any services to
 6 Allergan Finance, LLC or its predecessor
 7 entities?
 8 A. Not that I recall.
 9 Q. Did you provide any services
 10 to Purdue Pharmaceuticals?
 11 A. Not that I recall.
 12 Q. Teva Pharmaceuticals?
 13 A. Not that I recall.
 14 Q. Mallinckrodt?
 15 A. Not that I recall.
 16 Q. Endo?
 17 A. Not that I recall.
 18 Q. Johnson & Johnson?
 19 A. Not that I recall.
 20 Q. Did any of your services
 21 relate to opioids?
 22 A. Not that I recall.
 23 Q. After you left HPR, what was
 24 your next job?

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1 A. I went to Schering-Plough.
 2 Q. What did you do at
 3 Schering-Plough?
 4 A. I started in the global
 5 business analytics group doing similar
 6 call planning work, and then I moved over
 7 to the marketing group while I was there.
 8 Q. Do you remember what -- let
 9 me withdraw that.
 10 When you were in the
 11 marketing group, did you work on
 12 marketing campaigns concerning any of
 13 Schering-Plough's drugs?
 14 A. I was a product manager in
 15 the marketing group for Avalox, which was
 16 a Bayer product that Schering-Plough
 17 promoted.
 18 Q. How long were you at
 19 Schering-Plough?
 20 A. About three years.
 21 Q. And was your last position
 22 at Schering-Plough in the marketing group
 23 working on Avalox?
 24 A. Yes.

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1 Q. And after you left
 2 Schering-Plough, where did you go?
 3 A. Then I went to Forest Labs.
 4 Q. And what year was that?
 5 A. That was 2007.
 6 Q. And what did you -- and what
 7 position did you take at Forest Labs?
 8 A. I was a product manager
 9 working on Namenda.
 10 Q. How long did you work on
 11 Namenda?
 12 A. From 2007 until, I believe,
 13 2011. But then I also, I worked on
 14 another product, Viibryd, and then went
 15 back to working on Namenda, I believe, in
 16 2014. But I don't remember the exact
 17 dates.
 18 Q. So from 2007 to 2011, you
 19 were a product manager at Forest Labs,
 20 correct?
 21 A. From 2007 to 2011, I worked
 22 in the marketing group. I had different
 23 titles, which I don't recall the exact
 24 years, product manager, senior product

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1 manager.
 2 Q. And then in -- what happened
 3 in 2011?
 4 A. 2011, I believe, that was
 5 the year we acquired a product, Viibryd,
 6 and I went to work on that product. It's
 7 an antidepressant.
 8 Q. And then how long did you
 9 work on that project?
 10 A. I believe that was for three
 11 years, but I'm not 100 percent sure. I
 12 believe that was three years. And then
 13 in 2014 went back to work on the Namenda
 14 products, Namenda and Namenda XR and
 15 Namzaric.
 16 Q. And that was at Forest?
 17 A. I don't remember the timing
 18 of whether it was at Forest or after they
 19 had been acquired by Actavis. I'd have
 20 to check the exact dates.
 21 Q. And then what -- how long
 22 did you -- once you returned to work on
 23 Namenda and Namenda XR in 2014, was that
 24 your primary position at the company --

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1 your primary responsibility at the
 2 company at that time?
 3 A. My primary responsibility
 4 was working on Namenda XR and a product
 5 called Namzaric, which is also for
 6 Alzheimer's disease.
 7 Q. And can you take us forward
 8 from 2014 to today, what positions have
 9 you held? What products have you worked
 10 on?
 11 A. Sure. So up until December
 12 of 2017, I continued my work on the
 13 Alzheimer's products, Namenda XR and
 14 Namzaric. And then in January of 2018, I
 15 assumed responsibility, in addition to
 16 the Alzheimer's products, for Bystolic
 17 for hypertension, and a number of
 18 products that we refer to as our
 19 established brands portfolio, meaning
 20 there's no sales force effort behind them
 21 and, in most cases, little to no
 22 promotion behind them.
 23 Q. Does that include Kadian?
 24 A. So the established brand

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1 portfolio includes Kadian.
 2 Q. Does the established brand
 3 portfolio also include Norco?
 4 A. It does.
 5 Q. Are there any other opioids
 6 within the established brand portfolio?
 7 A. There are a lot of products
 8 in there. I'm not 100 percent sure if
 9 there are any others.
 10 There is no -- any of the
 11 products that I work on in a marketing
 12 capacity and, you know, creating
 13 promotional materials, there are no
 14 opioids that I created any materials for.
 15 Q. What are the opioids
 16 currently sold under the Allergan PLC
 17 umbrella, whether branded or generic?
 18 Can you just list those for me?
 19 A. I'm here today to talk about
 20 Kadian and Norco, which my understanding
 21 are the two opioids that fall into the
 22 portfolio that I manage.
 23 I don't know outside of the
 24 portfolio that I manage.

<p style="text-align: right;">Page 38</p> <p>1 Q. Is it true, then, that 2 you're not prepared today to testify 3 concerning any generic or nonbranded 4 opioids? 5 MS. WELCH: Objection. 6 Misrepresents her testimony. 7 THE WITNESS: That's not the 8 case. I am prepared to talk about 9 generics. 10 I don't have any generic 11 products in my portfolio, but as 12 far as historically, I have spoken 13 to people who did manage generics 14 in some capacity and have -- am 15 prepared to talk about that. 16 BY MR. MELAMED: 17 Q. I don't mean to 18 mischaracterize. I just want to -- the 19 reason I asked that question is you had 20 responded to a prior question by saying, 21 I'm here today to talk about Kadian and 22 Norco, which my understanding are the two 23 opioids that fall into the portfolio that 24 I manage.</p>	<p style="text-align: right;">Page 40</p> <p>1 the second and third pages of this 2 letter. And you see that the list that 3 starts with the numbered question Number 4 1, and then continues through the 5 numbered question, I believe, 15? 6 A. I do see that. I'm not 7 familiar with this letter. So I'd have 8 to read through it. 9 Q. Fair enough. 10 Can you read -- can you read 11 Number 1 and tell me whether you're 12 prepared to offer testimony on that 13 subject today? 14 MS. WELCH: Objection to 15 form. Objection that this is 16 outside the scope of what the 17 witness has been prepared to talk 18 about. 19 And if you're asking her to 20 identify from your enumerated 21 Number 15 where they may or do 22 fall within the scope of the 23 topics, I think it's going to be a 24 lengthy exercise.</p>
<p style="text-align: right;">Page 39</p> <p>1 A. Right. 2 Q. Am I to understand your 3 clarification that you are also here 4 today to talk about generic and/or 5 nonbranded opioids? 6 A. Yes. Sorry if that was not 7 clear. 8 - - - 9 (Whereupon, Allergan-Snyder 10 Exhibit-006, 10/29/18 Letter from 11 M. Melamed to J. Levy, Subjects of 12 Testimony, was marked for 13 identification.) 14 - - - 15 BY MR. MELAMED: 16 Q. I'm going to hand you what I 17 marked as Exhibit Number 6. 18 A. Sure. 19 Q. For the record, Exhibit 20 Number 6 is a letter from Matthew Melamed 21 at Robbins Geller to Jennifer Levy at 22 Kirkland & Ellis, dated October 29th, 23 2018. 24 I just want you to turn to</p>	<p style="text-align: right;">Page 41</p> <p>1 MR. MELAMED: I'm happy 2 to -- we can -- I'll let you 3 review that during a break and 4 then I can return and ask you. 5 BY MR. MELAMED: 6 Q. I'm just generally -- we had 7 a series of questions that we asked 8 another 30(b)(6) witness and -- that he 9 was unable to answer. I'm just trying to 10 understand whether you are prepared to 11 offer testimony on those topics today. 12 If your answer is no, that's 13 fine. As your counsel noted, these are 14 not topics for which you're designated. 15 I'm just curious whether you are or are 16 not. 17 MS. WELCH: Objection to 18 form. She's been identified to 19 speak on a number of topics, as 20 you've noted. 21 To the extent one of these 22 questions falls within that topic, 23 you're welcome to ask her 24 questions.</p>

<p style="text-align: right;">Page 42</p> <p>1 But, again, if you're asking 2 a lay witness to read through a 3 lawyer's letter and identify, of 4 these 15 topics, where they may or 5 do fall within these topics, I'm 6 going to tell her to take a break 7 on the record and review this 8 carefully.</p> <p>9 BY MR. MELAMED: 10 Q. You said you hadn't seen 11 these before, this letter before? 12 A. I hadn't seen this letter 13 so, I mean, I'm not -- 14 Q. Has anybody mentioned any of 15 these questions to you in preparation for 16 today's -- have you talked about these 17 questions in preparation for today's 18 testimony? 19 MS. WELCH: Objection to 20 form. Objection to the extent 21 you're now getting into -- 22 directly into communications with 23 counsel. 24 MR. MELAMED: I asked</p>	<p style="text-align: right;">Page 44</p> <p>1 prepared to talk about the corporate 2 entity, Allergan PLC, Watson 3 Pharmaceuticals, Inc., et cetera; is that 4 correct? 5 A. I'm not prepared to talk 6 about how the -- the legal entities. I'm 7 prepared for the topics that we discussed 8 earlier. 9 Q. Okay. And your preparation 10 did not extend beyond the topics that are 11 listed in the deposition notice, which is 12 what you're currently looking at; is that 13 correct? 14 A. My preparation to speak was 15 related to these topics. I reviewed a 16 number of documents. If there's 17 anything, you know, that I -- you know, 18 am I able to offer, I can. But I'm 19 prepared to talk about these topics. 20 Q. Did you prepare to talk 21 about topics beyond the topics listed in 22 the notice by your name? 23 MS. WELCH: Objection to 24 form.</p>
<p style="text-align: right;">Page 43</p> <p>1 whether. I didn't ask what. 2 BY MR. MELAMED: 3 Q. Have you spoken to counsel 4 about any of these questions today? 5 MS. WELCH: Same objections. 6 THE WITNESS: I am not 7 familiar, and I'd have to read 8 through this document in order to 9 effectively answer that. 10 What I would say is I'd go 11 back to the exhibit you provided 12 me earlier and the topics that I'm 13 designated to talk about are 14 listed here. 15 Sorry, I don't know the 16 number of this. Exhibit-1. 17 And to the extent that these 18 questions fall into those topics, 19 I'm prepared to talk about it. 20 BY MR. MELAMED: 21 Q. Is it true that you're 22 generally not prepared, other than to the 23 extent any -- let me withdraw that. 24 You said before you're not</p>	<p style="text-align: right;">Page 45</p> <p>1 THE WITNESS: I specifically 2 prepared to talk about these 3 topics that are listed by my name. 4 BY MR. MELAMED: 5 Q. And you did not undertake 6 any specific preparation to talk about 7 anything other than the topics listed by 8 your name; is that correct? 9 MS. WELCH: Objection to 10 form. 11 THE WITNESS: Again, I'm 12 prepared to talk about the topics 13 that are listed next to my name in 14 Exhibit-1. 15 BY MR. MELAMED: 16 Q. But I'm just asking, did you 17 take any -- did you specifically prepare 18 to talk about anything other than those 19 topics? 20 A. I mean, it's a very general 21 question. I reviewed a lot of documents. 22 Some of the information in the documents 23 probably fell outside of the scope and 24 I've read them as part of my preparation</p>

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1 for these topics.
 2 But my specific preparation
 3 was for these topics that are listed
 4 here.
 5 Q. And if you pull out Exhibit
 6 Number 3, which is one of the exhibits
 7 you handed me earlier, it's 27 pages of a
 8 table that lists number of topic,
 9 objections, response and then materials
 10 reviewed.
 11 Do you see that?
 12 A. Yes.
 13 Q. Does this list -- the
 14 materials reviewed for each topic list
 15 the materials that you used to prepare
 16 for today's testimony?
 17 A. Generally. They list what I
 18 used to prepare. In some cases, there
 19 are more specific -- I believe you guys
 20 call them Bates numbers that are listed
 21 here that have specific documents and
 22 information there in the response column.
 23 Q. Did you review those Bates
 24 numbered documents?

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1 A. I reviewed these documents
 2 that are here. And this document is the
 3 information that I summarized from those
 4 documents.
 5 Q. So I just want to be clear.
 6 In the response column, is
 7 that a summary of your response?
 8 A. This is -- based on
 9 everything that I've read, this is the
 10 response, this is the summary of -- this
 11 is really my notes to be able to
 12 summarize what I have read and reviewed.
 13 Q. And under the materials
 14 reviewed column, and I'm just looking at
 15 the first page, which is listed as Number
 16 3, it also identifies not only materials
 17 but individuals you spoke to, correct?
 18 A. Yes, correct.
 19 Q. So in the materials reviewed
 20 column, as you go throughout this
 21 document, does this identify each of the
 22 individuals you spoke to in preparation
 23 for providing testimony on a topic?
 24 A. This provides a list of

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1 people that I talked to, yes.
 2 Q. And did you speak to outside
 3 counsel to prepare to give testimony
 4 today?
 5 MS. WELCH: Objection to
 6 form.
 7 THE WITNESS: I've met with
 8 my attorneys on a number of cases
 9 throughout a number of dates
 10 throughout the past several
 11 months.
 12 BY MR. MELAMED:
 13 Q. Who are the attorneys you
 14 met with?
 15 A. Sitting right here, Donna
 16 Welch and Catie Ventura.
 17 Q. Approximately how many times
 18 did you meet with them?
 19 A. A lot of times.
 20 I would say, all told, over
 21 the course of the last several months, I
 22 probably spent 40, 50 hours in either
 23 reviewing documents, having conversations
 24 with them, meeting with them. And then

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1 in addition to that, have done, you know,
 2 additional research on my own.
 3 So probably the better part
 4 of -- if you broke it down, if you
 5 consolidated it all into a short period
 6 of time, maybe two weeks of preparation,
 7 but over the course of the last several
 8 months.
 9 Q. Did you speak to anyone from
 10 Teva Pharmaceuticals?
 11 MS. WELCH: Objection to
 12 form.
 13 THE WITNESS: The people I
 14 spoke to are listed here. I don't
 15 know their current jobs right now.
 16 I spoke to them in the capacity as
 17 I was preparing for this and what
 18 they did in the past.
 19 But I couldn't confirm
 20 whether or not they work for one
 21 of the -- work for Teva right now.
 22 BY MR. MELAMED:
 23 Q. Did you -- in preparation
 24 for today's deposition, did you make any

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1 specific effort to reach out to
2 individuals at Teva Pharmaceuticals that
3 you know of?
4 A. You know, I spoke to people
5 about -- you know, who were familiar with
6 what -- what I was preparing to testify
7 regarding.
8 My understanding is that
9 Teva is a named defendant in this suit,
10 so I did not reach out to anyone
11 specifically who is currently employed
12 there to talk to them.
13 - - -
14 (Whereupon, Allergan-Snyder
15 Exhibit-007, Allergan_MDL_01493707
16 and Allergan_MDL_1493708, E-mail
17 and Attachment, was marked for
18 identification.)
19 - - -
20 MR. MELAMED: I'm handing you
21 what's been marked as Exhibit-7.
22 BY MR. MELAMED:
23 Q. Exhibit-7 is an e-mail and
24 attachment. The e-mail is

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1 Allergan_MDL_01493707. The attachment is
2 a multipage Excel document at
3 Allergan_MDL_1493708.
4 And as the top of the first
5 page of the Excel attachment states, this
6 is Watson Pharmaceuticals, Incorporated's
7 projected income statements, 2009 actual,
8 2010 budget.
9 Do you see that?
10 A. I do see that, yes.
11 Q. Are you familiar with this
12 document?
13 A. No, I don't believe I've
14 seen this document.
15 Q. Do you know whether this is,
16 in fact, Watson Pharmaceuticals,
17 Incorporated's projected income
18 statements, 2009 actual and 2010 budget?
19 A. I can see that's the title
20 of it. I mean, since I don't have
21 familiarity with it, I don't know whether
22 it's an official document or what someone
23 just titled that.
24 Q. If you turn at the bottom of

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1 each page, there's a label in the middle
2 that reflects the name of the individual
3 spreadsheet.
4 Can you turn to the one that
5 says, Product Family-Units, please?
6 MS. WELCH: Can you give us
7 a Bates number?
8 MR. MELAMED: It's all the
9 same Bates number. So it's a
10 single document.
11 THE WITNESS: And I'm
12 looking at the middle of the page?
13 MR. MELAMED: Correct.
14 THE WITNESS: And you said
15 it was called what?
16 MR. MELAMED: It's called
17 Product Family-Units. It is
18 approximately halfway through.
19 THE WITNESS: Okay.
20 BY MR. MELAMED:
21 Q. If you could just turn to
22 the second page of that. It's a
23 multipage exhibit. And you see it stops
24 -- the group in the upper left is

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1 Doxepin.
2 A. Uh-huh.
3 Q. I just want to make sure --
4 A. I see that.
5 Q. -- we're all on the same
6 page.
7 Can you identify what the
8 top -- the first column is group, do you
9 see that? The title at the top of the
10 first column.
11 Do you see that?
12 A. Oh, group. Yes.
13 Q. And that refers to a drug
14 group; is that correct?
15 A. I don't know.
16 Q. Who would you ask about this
17 document if you wanted to find out about
18 it?
19 A. Probably the person who sent
20 it. But I don't know James Williamson,
21 but that would be the first place I would
22 go.
23 Q. You understand you've been
24 designated to speak on the annual sales

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1 for each opioid product 2007 to present?
2 A. That's included in one of
3 the -- one of the topics, yes.
4 Q. And this reflects, if you're
5 on the second page, if you look, for
6 instance, approximately a quarter of the
7 way down, and these are alphabetical, you
8 see it reflects Fentanyl?
9 A. I see that listed here.
10 Q. And Fentanyl is an opioid,
11 correct?
12 A. I don't know.
13 Q. So you are not the correct
14 person to speak to the annual sales for
15 each opioid product reflected in this
16 document; is that correct?
17 MS. WELCH: Objection to
18 form.
19 THE WITNESS: So in the
20 preparation for today, I did talk
21 to our finance group to get the
22 information that we currently
23 have.
24 My understanding is that we

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1 have sales officially from 2016 to
2 the present. And prior to that,
3 the databases that included the
4 historical sales went with the
5 company when those products were
6 sold to Teva.
7 So I'm here -- so, I mean, I
8 am prepared to talk about what
9 Allergan Finance has in its
10 systems from -- that we have
11 currently available. My
12 understanding is that the database
13 with the sales for these products
14 prior to that was -- is with Teva.
15 BY MR. MELAMED:
16 Q. You see reflected in the
17 Bates number that this document has been
18 produced in this litigation? And I can
19 represent to you, and I think counsel
20 will agree, that this document has been
21 produced in this litigation, correct?
22 A. Produced in this litigation.
23 It's in front of me, yes.
24 Q. I'll represent to you that

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1 it was provided to us during the course
2 of this litigation.
3 A. Yes.
4 Q. This reflects -- appears to
5 reflect sales, revenues, units, et
6 cetera, for a whole series of drugs under
7 the Watson -- sold by Watson
8 Pharmaceuticals, Incorporated in 2009 and
9 forecasted for sales in 2010.
10 Does that appear to be
11 correct? I understand you're not
12 familiar with this document.
13 MS. WELCH: Objection to
14 form.
15 THE WITNESS: I mean, this
16 is titled, in the e-mail, a budget
17 planning model. So I don't know
18 if this is official numbers, what
19 this is.
20 It appears to be an Excel
21 spreadsheet. So I really can't
22 speak to if these are actual
23 numbers or if they were as part of
24 a forecast and not final numbers.

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1 BY MR. MELAMED:
2 Q. And you did not prepare to
3 speak about the opioid sales by Watson
4 Pharmaceuticals in 2009; is that correct?
5 MS. WELCH: Objection to
6 form.
7 THE WITNESS: As I
8 mentioned, as part of my
9 preparation, I talked to our
10 finance group, who keeps the
11 official numbers for the company,
12 and asked what was available for
13 us.
14 And the only information
15 that we currently maintain is a
16 database with sales for 2016
17 through 2018, through current, and
18 future projections.
19 So my understanding is that
20 the database with the sales is not
21 available to us at Allergan
22 currently.
23 BY MR. MELAMED:
24 Q. Just to be clear, you are

<p style="text-align: right;">Page 58</p> <p>1 prepared to speak about the annual sales 2 of opioid products at Allergan currently 3 and going back to 2016; is that correct? 4 A. So I prepared -- you know, 5 as part of my preparation, I researched 6 whatever historical information that we 7 had. And that's, you know, what I was 8 able to turn up, that the -- we currently 9 have data from 2016 and 2017. I also was 10 able to find -- and I just want to pull 11 up my notes regarding this. 12 I also did review some 13 additional forecast files that I had, 14 that I had received from my predecessor. 15 And that had some information from 2014 16 and 2015 for Kadian and Norco. And that 17 was -- is what was available to me. 18 My understanding is that the 19 remainder of the financial information is 20 with the Actavis generic companies that 21 still exist with Teva. 22 And as I mentioned, they are 23 named defendants in the case, so they 24 should have that information and be able</p>	<p style="text-align: right;">Page 60</p> <p>1 official finance capacity, have a 2 database. 3 If someone has an Excel file 4 on their desktop, you know, that, I 5 really can't speak to. 6 Q. Were you working at 7 Actavis -- I'm sorry, at Allergan 8 Finance, LLC in 2014? 9 A. 2014? I'd have to -- so I 10 was -- I believe it was Actavis in 2014, 11 and the Actavis/Allergan integration 12 happened in 2015. 13 Q. What was the name of the 14 Actavis entity you worked at in 2014? 15 A. I don't recall. 16 Q. Do you recall receiving a 17 litigation hold concerning the marketing 18 of opioids in 2014? 19 A. I'm sure I did. I received 20 a number of legal holds. So I don't 21 remember the specific one, but I'm sure I 22 did. 23 Q. In the event you receive a 24 litigation hold, how do you -- how do you</p>
<p style="text-align: right;">Page 59</p> <p>1 to provide it. 2 Q. The information about the 3 Actavis generic groups -- from the 4 Actavis generic groups that were 5 transferred to Teva is not available -- 6 let me withdraw that, and state it in the 7 present tense -- or the past tense. 8 The information from the 9 Actavis generic groups about the sales of 10 their opioids and the revenues from their 11 opioids and the marketing budgets for 12 their opioids was transferred to Teva; 13 that's your testimony? 14 A. My understanding is that the 15 official databases from finance were 16 transferred to Teva, yes. 17 Q. Do you know whether anyone 18 at Allergan PLC retained a copy of the 19 information that was transferred in those 20 databases? 21 A. I don't know if anyone has a 22 copy. My understanding is the official 23 finance group, who Tom Riley, who I spoke 24 with, said that we did not, from an</p>	<p style="text-align: right;">Page 61</p> <p>1 respond to that litigation hold? What 2 actions do you take to make sure that 3 documents are preserved? 4 A. Because I have a number of 5 legal holds, I really just -- I don't 6 delete anything. So I would have, in my 7 normal course of business, not to get rid 8 of anything. 9 Q. Going back to what's been 10 marked as Exhibit -- 11 A. Exhibit-7? This one? 12 Q. Exhibit-7, thank you. 13 Does what you reviewed in 14 preparation for today concerning sales of 15 opioids in 2016 and 2017 and 2018 look 16 similar to this document? 17 A. This document looks 18 different. 19 Q. Generally, what did the 20 document you looked at look like? 21 Let's start, was it an Excel 22 spreadsheet? 23 A. I believe it was a database 24 that was downloaded to Excel</p>

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1 spreadsheets.
 2 Q. So it was a number of
 3 worksheets that had been downloaded from
 4 the database?
 5 A. I don't remember. I had
 6 conversations with Tom Riley, and I
 7 believe he gave me a table of that
 8 information.
 9 Q. Do you have that table with
 10 you?
 11 A. No.
 12 Q. Do you know if that table
 13 was provided to plaintiffs, was produced
 14 to plaintiffs in this litigation?
 15 A. I don't know. I don't know.
 16 Q. Mr. Riley is currently an
 17 employee of what company, if you know?
 18 A. I believe that -- I don't
 19 specifically know where finance falls,
 20 whether it falls -- my understanding is
 21 sales and marketing employees are
 22 Allergan USA, but regulatory and legal
 23 compliance are Allergan Sales LLC.
 24 I'm not sure where finance

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1 falls. So I don't know exactly the
 2 entity that he's in.
 3 Q. And it also says, and we're
 4 on Exhibit-3, I believe, which is one of
 5 the materials you prepared in your
 6 preparation for Number 33, Page 19, it
 7 says that you reviewed Allergan PLC's
 8 2017 10-K.
 9 A. Yes. Yes, I did see that.
 10 Q. What was the purpose of
 11 reviewing Allergan PLC's 2017 10-K in
 12 preparation for this?
 13 A. I'm trying to recall which
 14 information came from there.
 15 And I believe that was to
 16 calculate the percentages that you will
 17 see on Page 19 in here to -- I think
 18 there was a question regarding the
 19 percent of revenue that Kadian and Norco
 20 represented.
 21 And so to come up with those
 22 calculations, I had to get the sales from
 23 the 10-K.
 24 Q. Did you calculate a

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1 percentage of revenue for the generic
 2 drugs prior to their transfer to Teva
 3 Pharmaceuticals?
 4 A. No, I didn't have that -- as
 5 I mentioned, I didn't have the official
 6 sales numbers for the generic drugs,
 7 since the information I had was post the
 8 Teva divestiture -- I mean, the generics
 9 company divestiture to Teva, excuse me.
 10 Q. That Teva and Allergan
 11 agreed to collaborate and provide each
 12 other information as necessary to respond
 13 to information -- information requests
 14 such as this in this lawsuit?
 15 MS. WELCH: Objection to
 16 form.
 17 THE WITNESS: I'm not aware
 18 of what -- of any official
 19 discussions regarding that. I
 20 know that, you know, I reached out
 21 to people at Allergan who would
 22 have the information that I needed
 23 to prepare.
 24 BY MR. MELAMED:

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1 Q. And nobody instructed you
 2 specifically to reach out to anybody at
 3 Teva; is that correct?
 4 A. No one instructed me to
 5 reach out to Teva. I mean, all of this
 6 was driven, really, by my request to talk
 7 to different people.
 8 And since my understanding
 9 was that Teva is a named defendant in
 10 this, I didn't ask to talk to anyone at
 11 Teva.
 12 Q. So in the response column on
 13 Page 19 of Exhibit-3, you talk about
 14 anticipated annual revenues, actual --
 15 forecasted revenues and actual revenues
 16 for Norco and Kadian, correct?
 17 A. Yes. So the distinction
 18 here is -- so if you look at the second
 19 paragraph, I have the official numbers
 20 for Kadian and Norco for 2016 and 2017.
 21 Since I didn't have
 22 information before that, I did review
 23 some files that were provided by my
 24 predecessor that had some forecast files

<p style="text-align: right;">Page 66</p> <p>1 that had numbers for Kadian and Norco. 2 So I included them in this document so I 3 could speak to that. 4 Those aren't official 5 company numbers, so I can't verify 100 6 percent the accuracy. But those were in 7 the documents that I was able to review. 8 Q. Where did you find the 9 official numbers? 10 A. The official numbers I got 11 from discussions with Tom Riley. 12 Q. Where would those be -- what 13 document would you look at if you wanted 14 to verify the official numbers? 15 A. Honestly, I would just call 16 Tom Riley and ask him for those numbers. 17 Q. You're unaware -- I don't 18 mean to put words in your mouth, if 19 you're aware, please correct me. 20 But you're unaware of 21 specific documents reflecting the 22 information in the response column to 23 Number 33 on Page 19 of Exhibit-3? 24 MS. WELCH: Objection to</p>	<p style="text-align: right;">Page 68</p> <p>1 talking about things like the 10-K? 2 A. Things like that. 3 I don't think the breakdown 4 for Kadian and Norco would be on there, 5 but I'm not 100 percent sure. 6 Q. Do you have any idea about 7 the percentage of revenue generated in 8 2014 from the sale of generic opioids? 9 A. No. As I mentioned, the 10 information that I was able to get from 11 Tom was 2016 to the present. 12 MR. MELAMED: Let's go off 13 the record. 14 VIDEO TECHNICIAN: Going off 15 the record. The time is 10:04. 16 - - - 17 (Whereupon, a brief recess 18 was taken.) 19 - - - 20 VIDEO TECHNICIAN: We're 21 going back on the record. 22 Beginning of Media File Number 2. 23 The time is 10:22. 24 BY MR. MELAMED:</p>
<p style="text-align: right;">Page 67</p> <p>1 form. 2 THE WITNESS: Tom is my 3 finance colleague, so I typically 4 would call him and ask him. I 5 can't remember whether he told 6 them to me over the phone or 7 whether he e-mailed them; that, 8 I'm not 100 percent sure. 9 But Tom is my resource for 10 financial information. So I go to 11 him to get that. 12 I don't know whether a -- 13 some of the -- since Kadian and 14 Norco are such small products, I 15 don't know if they would be 16 detailed out in a lot of the 17 specific financial information 18 that the company puts out. So 19 that's why Tom would be the best 20 source for those. 21 BY MR. MELAMED: 22 Q. And by talking -- when 23 you're referencing the specific financial 24 information the company puts out, you're</p>	<p style="text-align: right;">Page 69</p> <p>1 Q. Does Allergan, PLC maintain 2 budgeting and forecast spreadsheets 3 similar to the one we were just looking 4 at concerning its opioid products? 5 MS. WELCH: Objection to 6 form. 7 MR. MELAMED: Let me 8 withdraw that and state it more 9 generally. 10 BY MR. MELAMED: 11 Q. Does Allergan, PLC maintain 12 similar budget forecast spreadsheets on a 13 yearly basis? 14 A. So -- 15 MS. WELCH: Objection to 16 form. 17 THE WITNESS: Again, I'm not 18 familiar whether it's Allergan, 19 PLC, or the corporate structure, 20 but, you know, Allergan has P&L 21 statements. It does -- we do keep 22 information. I don't know whether 23 the information here is exactly 24 the same. But we do have basic</p>

<p style="text-align: right;">Page 70</p> <p>1 P&L statements, yes.</p> <p>2 BY MR. MELAMED:</p> <p>3 Q. Who maintains those?</p> <p>4 A. Finance.</p> <p>5 Q. Who would you talk to at</p> <p>6 finance if you wanted to have a copy of</p> <p>7 those?</p> <p>8 A. I would talk to Tom Riley.</p> <p>9 Q. Does Allergan Finance, LLC</p> <p>10 maintain any P&L statements?</p> <p>11 A. Since I'm not clear on</p> <p>12 whether on finance sits an Allergan</p> <p>13 Finance, LLC or Allergan, PLC, I would</p> <p>14 just say that the finance department at</p> <p>15 Allergan maintains P&L statements.</p> <p>16 Q. And does it maintain P&L</p> <p>17 statements for the entirety of the</p> <p>18 Allergan, PLC corporate entity, do you</p> <p>19 know?</p> <p>20 MS. WELCH: Objection to</p> <p>21 form.</p> <p>22 THE WITNESS: As part of my</p> <p>23 preparation, I talked to Tom</p> <p>24 specifically about Kadian and</p>	<p style="text-align: right;">Page 72</p> <p>1 about is when Watson detailed and</p> <p>2 promoted Norco, which was, my</p> <p>3 understanding, in 1997.</p> <p>4 Q. Are you prepared to talk</p> <p>5 about the sales, marketing, detailing of</p> <p>6 any of the generic opioids that Watson</p> <p>7 Pharmaceuticals, Incorporated sold?</p> <p>8 MS. WELCH: Objection to</p> <p>9 form.</p> <p>10 THE WITNESS: I'm prepared</p> <p>11 to talk about what -- when I</p> <p>12 spoke -- I spoke with several</p> <p>13 people. I talked to Nathalie</p> <p>14 Leitch. I talked to Jennifer.</p> <p>15 And there was some information</p> <p>16 about some generic products that</p> <p>17 the sales forces that they worked</p> <p>18 with for Kadian had talked to</p> <p>19 physicians about the availability</p> <p>20 of those generics.</p> <p>21 I don't know, you know,</p> <p>22 which company they came from. But</p> <p>23 I am prepared to talk about that.</p> <p>24 As far as the, you know,</p>
<p style="text-align: right;">Page 71</p> <p>1 Norco and opioids and what the</p> <p>2 sales were there and what types of</p> <p>3 financial information was</p> <p>4 maintained for those products.</p> <p>5 As far as the whole company,</p> <p>6 I really couldn't speak to that.</p> <p>7 BY MR. MELAMED:</p> <p>8 Q. And just to be clear, when</p> <p>9 you talked to Tom, you said specifically</p> <p>10 about Kadian and Norco.</p> <p>11 Did you talk to Tom about</p> <p>12 generic opioids?</p> <p>13 A. When I originally contacted</p> <p>14 Tom, I asked for all the historical</p> <p>15 information for the opioids that we have.</p> <p>16 And that's when he informed me that we</p> <p>17 only have information from 2016 going</p> <p>18 forward.</p> <p>19 So he has maintained that we</p> <p>20 don't have anything prior to that date.</p> <p>21 Q. Do you know when Watson</p> <p>22 Pharmaceuticals, Incorporated started</p> <p>23 selling opioids in the United States?</p> <p>24 A. What I'm prepared to talk</p>	<p style="text-align: right;">Page 73</p> <p>1 other generics, and I think I</p> <p>2 mentioned this earlier, is that my</p> <p>3 understanding is that those</p> <p>4 Actavis generic products were</p> <p>5 divested to Teva. And Teva is a</p> <p>6 named defendant in the case and</p> <p>7 could speak better to them.</p> <p>8 BY MR. MELAMED:</p> <p>9 Q. Regardless of whether Teva</p> <p>10 can speak better to them, are you</p> <p>11 prepared to speak about those divested</p> <p>12 generic opioids in the context of sales</p> <p>13 and marketing at all?</p> <p>14 MS. WELCH: Objection.</p> <p>15 Asked and answered.</p> <p>16 THE WITNESS: I'm prepared</p> <p>17 to talk about the -- what I was</p> <p>18 able to -- the information I was</p> <p>19 able to get from the people who,</p> <p>20 you know, who I spoke with,</p> <p>21 Jennifer and Natalie and Terri</p> <p>22 Nataline and the people I've</p> <p>23 spoken to.</p> <p>24 I have not spoken with</p>

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1 people who left the company
2 altogether or went with -- went to
3 Teva.
4 BY MR. MELAMED:
5 Q. You mentioned Jennifer,
6 Natalie and Terri. You said Terri's last
7 name is Nataline.
8 And I just want to be clear,
9 Natalie is Natalie Leech, correct?
10 A. Natalie Leech, right.
11 Q. And Jennifer is Jennifer
12 Altier?
13 A. Correct.
14 Q. Did any of them work at
15 Watson Pharmaceuticals at any point in
16 time?
17 A. I don't know for sure who --
18 my understanding is no. I know Jennifer
19 talked about her employment history in
20 her deposition. So I don't recall her
21 saying she worked at Watson.
22 My understanding is she was
23 a consultant for Actavis. But I don't
24 know, you know, any time in her

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1 historical career.
2 Q. Can you describe, generally,
3 the structure of the Watson
4 Pharmaceuticals, Incorporated department
5 that was responsible for marketing
6 opioids in the United States?
7 A. What I can talk about is
8 the -- based on my information-gathering,
9 as far as the marketing and sales for
10 Norco, my understanding is there were
11 sales representatives who reported to
12 regional sales managers. I believe there
13 were three regional sales managers that I
14 was able to uncover from the research
15 that I did. And they were responsible
16 for overseeing the activities of the
17 sales representatives. And those three
18 regional sales managers reported to an
19 executive director of sales, based on the
20 information that was available.
21 Obviously, Norco was
22 promoted a very long time ago, so there
23 wasn't a ton of information. But I was
24 able to find documents that listed people

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1 from those roles.
2 Q. What's the time period
3 during which the structure you just
4 described was in place?
5 A. So my understanding is Norco
6 was detailed from 1997 to 2003. I don't
7 know if they made changes. You know,
8 there were documents that I reviewed that
9 had information about sales
10 representatives and had a list of names,
11 and I was able to look through those and
12 figure out who was in these specific
13 positions.
14 Q. Do you know if those
15 documents were produced in this
16 litigation?
17 A. I don't know for sure.
18 MS. WELCH: I'm happy to
19 make a representation on that, but
20 I won't unless you want it.
21 MR. MELAMED: You can make a
22 representation.
23 MS. WELCH: Yes. All of the
24 documents she's discussing were

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1 produced.
2 BY MR. MELAMED:
3 Q. Do you know -- so given that
4 they were all produced, and if the answer
5 is no to this, that's fine, do you know
6 from what -- do you know what corporate
7 entity provided those documents for
8 production in this case?
9 A. No, I don't know. I would
10 assume it's Allergan Finance, but I don't
11 know for sure.
12 Q. Do you know whether Allergan
13 Finance had to ask anybody else for those
14 documents?
15 MS. WELCH: Objection to
16 form. And, again, I'm happy to
17 make a representation, but you can
18 ask the witness if you'd like.
19 THE WITNESS: I don't know
20 for sure how -- where every
21 document was found.
22 BY MR. MELAMED:
23 Q. Who was the executive
24 director of sales for Norco between 1997

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1 and 2003?

2 A. The documents I found, and I

3 don't know for that entire period, but

4 Mike Pusiteri was the name that I was

5 able to see.

6 Q. And you're looking at

7 Exhibit-3 to provide that information?

8 A. Yes, Exhibit-3.

9 Q. What page?

10 A. I'm sorry, Page 1. And it's

11 the second paragraph under Topic Number 3

12 in the response column.

13 Q. Do you know who Mike

14 Pusiteri reported to?

15 A. I don't recall who he

16 reported to.

17 Q. Do you know the name of the

18 position to which he reported?

19 A. My understanding is the

20 executive director of sales was the

21 top-level salesperson. So I'm not sure

22 who he would have reported to.

23 You know, there -- as I

24 mentioned, there weren't a ton of

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1 documents related to Norco since it was

2 so long ago.

3 Q. Is it your understanding --

4 withdraw that.

5 Did Watson Pharmaceuticals

6 cease detailing Norco specifically in

7 2003?

8 A. That was my understanding,

9 that 2003 was the last time of detailing.

10 Q. Did Watson Pharmaceuticals,

11 Incorporated undertake any other

12 marketing efforts to sell Norco, other

13 than detailing?

14 A. You know, based on

15 everything that I reviewed, there were

16 not a lot of documents that I was able to

17 see what marketing efforts were -- were

18 behind Norco.

19 I -- you know, in order to

20 provide the sales representatives with

21 information -- with materials, there had

22 to be marketing. I spoke with Dirk Pica,

23 I believe you say his last name, and he

24 didn't have a lot of information. He was

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1 in the sales force and didn't really have

2 a lot of recollection.

3 Q. Where is Dirk Pica

4 currently? Where is he employed?

5 A. He currently works for

6 Allergan.

7 Q. In what role?

8 A. He is, I believe, in a sales

9 position. But I'm not 100 percent sure,

10 maybe a managed care position.

11 Q. Do you know what corporate

12 entity he works for?

13 A. I believe that would be --

14 since he is in the sales, he would be

15 employed by Allergan USA.

16 Q. Do you know whether Watson

17 Pharmaceuticals marketed generic opioids

18 at any time prior to acquiring the

19 Actavis Group in 2012?

20 MS. WELCH: Objection to

21 form.

22 THE WITNESS: I was not able

23 to uncover documents showing what

24 Watson, you know, what efforts

Page 81

1 they put behind the generic drugs.

2 As I mentioned, even for

3 Norco, the information that was

4 available was -- was limited.

5 BY MR. MELAMED:

6 Q. What is the definition of

7 marketing you're using as you answer

8 these questions?

9 A. Sure. That's a good

10 question. I think people use it

11 differently.

12 What I'm referring to in

13 terms of marketing is us speaking -- like

14 having a sales force or creating

15 materials that we would mail out to

16 physicians.

17 So, basically, either direct

18 communication with physicians or what we

19 would call nonpersonal promotion, which

20 is mailings and providing information.

21 Right now we do a lot of it

22 electronically, but I don't think as much

23 was done back then electronically.

24 Q. So I'm going to give you a

<p style="text-align: right;">Page 82</p> <p>1 slightly different definition. 2 A. Sure. 3 Q. Which is, any activity 4 undertaken with the goal of getting 5 people or companies to buy your products. 6 Does that definition change 7 any of the answers you gave about 8 marketing Norco? 9 A. No, that doesn't change 10 anything. 11 Q. Does it change any answers 12 you gave about marketing generics? 13 A. No. 14 Q. And the questions have 15 solely been about Watson Pharmaceuticals, 16 Inc., so far, correct? 17 A. Yes, that's my 18 understanding. 19 Q. Just clarifying the record. 20 As we go forward and I'm 21 speaking about marketing, please keep in 22 mind that definition, any activity 23 undertaken with the goal of getting 24 people or companies to buy your products.</p>	<p style="text-align: right;">Page 84</p> <p>1 Actavis Group? 2 A. Based on everything that I 3 reviewed, I was not able to find 4 information about the specific Watson 5 structure of the marketing group. 6 Q. So you don't know? Your 7 testimony is you don't know whether it 8 changed over time before its acquisition; 9 is that correct? 10 A. I don't know the details of 11 that. 12 Q. So is Mike Pusiteri the 13 individual who is in charge of the Watson 14 Pharmaceuticals, Incorporated marketing 15 department from 1997 to 2003? 16 A. He was in charge, his title 17 was executive director of sales. It 18 wasn't clear whether there was a separate 19 person who oversaw marketing at the time. 20 I wasn't able to find that information. 21 I would assume there was, but I was not 22 able to find it. 23 Q. Do you know if Mike Pusiteri 24 continued in the position of executive</p>
<p style="text-align: right;">Page 83</p> <p>1 A. And where is that 2 definition -- 3 MS. WELCH: Object to the 4 form. 5 THE WITNESS: And where is 6 that definition from? 7 BY MR. MELAMED: 8 Q. It's from the Special Master 9 Cohen, who is presiding over the 10 discovery in this case. 11 MS. WELCH: Objection to 12 form. 13 MR. MELAMED: It wasn't a 14 question. 15 MS. WELCH: The form of a 16 statement. 17 MR. MELAMED: Fair enough. 18 I could have not answered 19 the question as well. 20 BY MR. MELAMED: 21 Q. Do you know if the structure 22 of the marketing department at Watson 23 Pharmaceuticals, Incorporated changed 24 over time prior to its merger with the</p>	<p style="text-align: right;">Page 85</p> <p>1 director of sales after 2003 at Watson 2 Pharmaceuticals? 3 A. I don't know. I focused on 4 what his role was in terms of promoting 5 Norco. 6 Q. Would he have been the 7 person also in charge of marketing 8 efforts concerning generic opioids by 9 Watson Pharmaceuticals between 1997 and 10 2003? 11 MS. WELCH: Objection to 12 form. 13 THE WITNESS: I don't know. 14 My understanding is that -- is 15 that he was the executive director 16 of sales. And this is, you know, 17 partially my -- me interjecting my 18 thoughts on this. 19 But my thought is there 20 typically aren't a ton of what I 21 would call marketing efforts 22 behind generic drugs. So my 23 assumption would be that there 24 wouldn't be a specific marketing</p>

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1 person over that. But I don't
 2 know for sure.
 3 BY MR. MELAMED:
 4 Q. Who was in charge of
 5 developing the training for the sales
 6 force for Watson Pharmaceuticals,
 7 Incorporated when that sales force was
 8 detailing Norco?
 9 A. So based on the documents
 10 that I reviewed, I'm looking now at Page
 11 3 of Exhibit-3, at the bottom, the
 12 response column for Number 8, Topic 8,
 13 where it says, Based on Allergan
 14 Finances' investigation to date -- so I
 15 have a number of people that I was able
 16 to uncover provided sales training to
 17 Norco sales representatives.
 18 There's a full -- there's a
 19 list of them. Do you want me to read
 20 these names out loud?
 21 Q. Do you know when Brian
 22 Russel provided training to Norco sales
 23 representatives?
 24 A. I don't have the dates in

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1 front of me. There is a document here if
 2 we wanted to pull it. I could take a
 3 look and see if there was that
 4 information.
 5 Q. So sitting here, you
 6 wouldn't know, for any of the individuals
 7 listed in the paragraph you were
 8 referring to, when they provided specific
 9 training; is that right?
 10 A. The exact date of a specific
 11 training class or something, no, I would
 12 not know.
 13 However, it was between the
 14 time of 1997 to 2003 when there was a
 15 sales force detailing Norco.
 16 Q. Did you review the materials
 17 that they used to train sales
 18 representatives?
 19 A. For Norco, the documents
 20 really weren't available. Since it was
 21 back in 1997, there just wasn't as much
 22 over e-mail as there would be for Kadian,
 23 for example, from a more recent time
 24 period.

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1 Q. So you did not review the
 2 specific training materials used to
 3 detail Norco?
 4 MS. WELCH: Objection to
 5 form. Misrepresents her
 6 testimony.
 7 BY MR. MELAMED:
 8 Q. If I'm misrepresenting
 9 something, please clarify.
 10 A. I say going to say, I could
 11 not find those. I did not find -- I was
 12 not able to locate those documents.
 13 Q. The next paragraph
 14 concerns -- identifies, in Exhibit-3,
 15 Page 4, states, The following persons --
 16 sorry for those following with the Elmo,
 17 it's a little difficult to get on there.
 18 The following persons are
 19 identified on agendas as presenters at
 20 training sessions for the sales
 21 representatives who promoted Kadian and
 22 informed doctors about the availability
 23 of certain generic opioids.
 24 Do you know when those --

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1 let me withdraw that.
 2 At the bottom of the
 3 paragraph, it also lists a series of
 4 Bates numbered documents.
 5 Do you see that?
 6 A. Yes.
 7 Q. Do those Bates numbered
 8 documents identify or include the
 9 materials used during the training
 10 sessions reflected in this paragraph?
 11 A. I don't remember if these
 12 specific ones include the training
 13 materials, but I did review training
 14 materials regarding Kadian. So those
 15 documents were part of the review. But I
 16 don't know what these Bates numbers
 17 correspond to exactly.
 18 Q. What was the company that
 19 was selling Kadian at the time that these
 20 individuals were providing training
 21 sessions?
 22 MS. WELCH: Objection to
 23 form.
 24 THE WITNESS: So my

<p style="text-align: right;">Page 90</p> <p>1 understanding was that when Kadian 2 was acquired, it was acquired by 3 Actavis Inc., and then -- and that 4 was -- the detailing of Kadian 5 took place between 2009 and 2012. 6 At the very end of that, 7 Watson acquired Actavis and became 8 Actavis, Inc., is my 9 understanding. 10 And I'm looking at Exhibit-1 11 to refresh my memory of that. 12 BY MR. MELAMED: 13 Q. Do you know the name of the 14 specific company that was booking 15 revenues for the sales of Kadian before 16 Watson acquired Actavis? 17 MS. WELCH: Objection to 18 form. 19 THE WITNESS: Sorry, say 20 that again. 21 BY MR. MELAMED: 22 Q. Do you know the name of the 23 specific company that was booking 24 revenues for the sale of Kadian prior to</p>	<p style="text-align: right;">Page 92</p> <p>1 who was involved -- who was in 2 charge of that. What I was able 3 to find were the people who did 4 provide training. And those are 5 the people I mentioned earlier 6 that are listed on Page 3 and 7 Topic 8, in the response. Those 8 were the ones I was able to 9 identify. 10 BY MR. MELAMED: 11 Q. Are those the same 12 individuals who are responsible for 13 implementing training of the sales force 14 at Watson Pharmaceuticals? 15 MS. WELCH: Objection to 16 form. 17 THE WITNESS: I'm not sure 18 what -- what you mean by that. 19 They were -- the people that I 20 identified were the people who 21 were responsible for training 22 sales representatives on Norco. 23 BY MR. MELAMED: 24 Q. Do you know if the group</p>
<p style="text-align: right;">Page 91</p> <p>1 the time Actavis was acquired by Watson 2 Pharmaceuticals? 3 A. I don't know the legal 4 entity. I understand that Alpharma was 5 marketing and selling Kadian prior to the 6 acquisition of the product by Actavis. 7 Q. And Actavis did not acquire 8 Alpharma; is that correct? 9 A. That's correct. Alpharma 10 was acquired by King, I believe. But as 11 part of that transaction, they divested 12 Kadian to Actavis. 13 Q. Was there a person in charge 14 of implementing the training that was 15 undertaken for the marketing department 16 for Watson Pharmaceuticals? 17 A. I'm sorry, say that again. 18 Q. Was there a person in charge 19 of implementing training of -- training 20 those who marketed opioids at Watson 21 Pharmaceuticals? 22 MS. WELCH: Objection to 23 form. 24 THE WITNESS: I'm not sure</p>	<p style="text-align: right;">Page 93</p> <p>1 responsible for selling Watson 2 Pharmaceuticals, Incorporated branded 3 opioids, such as Norco, was separate from 4 the group responsible for selling Watson 5 Pharmaceutical's generic opioids in the 6 United States? 7 A. I don't know. I'm not sure 8 exactly how they're -- how that was 9 structured. 10 The information that I was 11 able to find on Norco was pretty limited 12 and was able to identify people doing 13 sales training as well as some of the 14 sales personnel. The marketing 15 information was not as readily available. 16 Q. I may have already asked 17 this question, apologies if I did. 18 Did the structure of the 19 sales group, sales representatives, sales 20 directors, et cetera, did that structure 21 change at Watson Pharmaceuticals over 22 time between 1995 and 2012? 23 A. Yeah, I think you did ask me 24 that, maybe a different time period.</p>

<p style="text-align: right;">Page 94</p> <p>1 But as I mentioned, I was 2 able to find documents that showed, you 3 know, who was responsible for sales at a 4 specific time point. But since the 5 documents were not -- since I couldn't 6 find as many documents on Norco, I don't 7 know the progression of structure 8 changes. 9 Q. And just to be clear, I was 10 asking not only for a broader time 11 period, but a broader set of drugs, like, 12 for all drugs. 13 Do you have information 14 about the organizational structure of the 15 sales force and supervisors at Watson 16 Pharmaceuticals for generic opioids? 17 MS. WELCH: Objection to 18 form. 19 THE WITNESS: The 20 information that I was able to 21 uncover regarding Watson and -- 22 was mainly related to Norco and 23 was specifically what I had 24 mentioned earlier.</p>	<p style="text-align: right;">Page 96</p> <p>1 Actavis Inc. that was responsible for 2 marketing opioids in the United States? 3 A. So I'm going to refer to my 4 notes, so Exhibit-3. And this is Topic 5 Number 3. And I'll go to the response 6 column. 7 If you look at the very 8 first part here, so I'm on Page -- the 9 first page. 10 I'm sorry, did you ask about 11 the marketing department for Kadian? 12 What did you ask specifically about sales 13 and marketing? 14 Q. The structure of the 15 department that was responsible for 16 marketing opioids generally in the United 17 States. 18 A. Okay. So to start off with 19 Kadian, it consisted of Jennifer Altier 20 and Lisa Miller. And they were both 21 responsible for developing marketing 22 materials for Kadian. They reported to 23 Nathalie Leitch who reported to Terry 24 Fullem.</p>
<p style="text-align: right;">Page 95</p> <p>1 BY MR. MELAMED: 2 Q. And specifically being what 3 page and column are you -- 4 A. Topic 8, on Page 3, the 5 response column, first paragraph. 6 Q. And that's in Exhibit-3, 7 correct? 8 A. That is in Exhibit-3, 9 correct. 10 Q. So Actavis acquired Kadian 11 from Alpharma. 12 You testified to that 13 earlier, right? 14 A. Correct. 15 Q. What -- do you know the 16 corporate name of Actavis at that point 17 in time? 18 A. My understanding was that it 19 was Actavis Inc., with no comma in 20 between Actavis and Inc. 21 Q. Do you know the name of the 22 company at Actavis Inc. -- withdraw that. 23 Can you describe generally 24 the structure of the department at</p>	<p style="text-align: right;">Page 97</p> <p>1 Q. What was Terry Fullem's role 2 at the company? 3 A. I don't remember. I think 4 Jennifer may have talked about it in her 5 deposition, but I don't recall her title. 6 Q. Do you know who Ms. Fullem 7 reported to, if anyone? 8 A. No, I'm not sure. 9 And then in terms of generic 10 opioids, I'm going down to the third 11 paragraph on this page now, Page 1, Topic 12 3, in the response column. 13 There are product managers, 14 our director of marketing and then a vice 15 president of sales and marketing. And 16 the people's names are listed there, if 17 you'd like me to read them. 18 Q. Product managers, you listed 19 David Myers and Rochelle Galant. 20 Were there any others? 21 A. Those are the two I was able 22 to find in the documents. I can't say 23 for certain there were no others. That 24 was my understanding.</p>

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1 And then Jinping McCormick,
 2 who I believe Jennifer referenced in her
 3 deposition, was the director of
 4 marketing. And then someone named
 5 Michael Perfetto was the vice president
 6 of sales and marketing.
 7 So that's my understanding
 8 of the generic opioids marketing
 9 department.
 10 Q. And is it your understanding
 11 that Mr. Myers and Ms. Galant reported to
 12 Ms. McCormick who reported to -- who
 13 reported to Mr. Perfetto?
 14 A. That's my understanding.
 15 Q. And who did Mr. Perfetto
 16 report to?
 17 A. I'm not sure. It would have
 18 been someone whose responsibilities were
 19 broader than sales and marketing.
 20 Q. Were there any changes to
 21 this organizational structure that you've
 22 just described from Mr. Myers and Ms.
 23 Galant up through Mr. Perfetto during any
 24 point that Actavis, prior to its merger

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1 with Watson, was selling opioids?
 2 A. I'm sorry, was there any
 3 changes to who were in these roles or the
 4 structure of this department?
 5 MS. WELCH: And objection to
 6 form.
 7 THE WITNESS: Can you repeat
 8 the full question? I'm not sure I
 9 followed it.
 10 BY MR. MELAMED:
 11 Q. I'll break it down.
 12 Were Mr. Myers and Ms.
 13 Galant in those positions the entirety of
 14 the time that Actavis was selling
 15 opioids?
 16 A. I'm not sure. I can't say
 17 for certain.
 18 Q. Was Ms. McCormick in that
 19 position during the entirety of the time
 20 that Actavis was selling opioids?
 21 A. I can't say for certain how
 22 long --
 23 Q. And was Mr. Perfetto in that
 24 position the entirety of the time when

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1 Actavis was selling opioids?
 2 A. Based on the documents that
 3 I reviewed, these were the people who
 4 were in the positions. I don't know the
 5 exact start and end dates of their
 6 tenure.
 7 Q. So in 2012, Watson
 8 Pharmaceuticals acquired Actavis, right?
 9 A. In 2012, Watson acquired
 10 Actavis, yes.
 11 Q. And then shortly thereafter,
 12 it changed its name to Actavis,
 13 Incorporated, right?
 14 A. That's my understanding,
 15 yes.
 16 Q. Were there -- can you -- let
 17 me withdraw that.
 18 Can you describe generally
 19 the structure of the department that was
 20 in charge -- that was responsible for
 21 marketing opioids in the United States
 22 for Actavis, Incorporated?
 23 MS. WELCH: Objection to
 24 form.

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1 THE WITNESS: How is that
 2 question different than what we
 3 just talked about? I'm not sure
 4 I'm following.
 5 BY MR. MELAMED:
 6 Q. Well, we were talking about
 7 Actavis prior to its acquisition by
 8 Watson Pharmaceuticals; was that your
 9 understanding of the last line of
 10 questions?
 11 A. In terms of I know -- it was
 12 really my understanding I was talking
 13 about Actavis and the entire time that
 14 Kadian was detailed.
 15 And then for the generics, I
 16 don't -- I don't have the time period in
 17 terms of when they -- whether this was
 18 before or after that acquisition.
 19 Q. So --
 20 MS. WELCH: It may be
 21 helpful, given the no comma and
 22 comma, just to put a time period.
 23 My sense is that may be
 24 driving a little bit of the --

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<p>1 MR. MELAMED: I don't think 2 that's driving much of the 3 confusion on my end. It may be 4 for other people, but I 5 understand -- 6 MS. WELCH: It's some of my 7 objection on form, just so you 8 know. 9 BY MR. MELAMED: 10 Q. Well, did the entity -- if 11 you don't know the answer to this 12 question, fair enough, you are not 13 designated for it. 14 But did the entity known as 15 Actavis Incorporated, without a comma, 16 continue to exist once Watson 17 Pharmaceuticals acquired Actavis, no 18 comma, Incorporated? 19 MS. WELCH: Objection. 20 Outside of the scope of the topics 21 she's designated to speak on. 22 THE WITNESS: I don't -- I 23 don't know. 24 BY MR. MELAMED:</p>	<p>1 the company -- the two companies merged 2 and took that name? 3 A. My understanding was that 4 Nathalie Leitch was in charge of the -- 5 you know, she was the one in charge of 6 marketing for Kadian, to the extent there 7 was any. 8 And then in terms of the 9 marketing for the generics was Jinping 10 McCormick. 11 Q. Do you know the name of the 12 corporate entity that Ms. McCormick 13 worked for in 2013? 14 A. In 2013, I would assume that 15 would be Actavis, Inc. was the entity. 16 But I don't know the corporate structure, 17 again. 18 Q. Same question for Nathalie 19 Leitch? I'm sorry, Nathalie Leitch, I 20 think is how you pronounce it. 21 A. And same answer. I would 22 assume it would be the -- it would be 23 Actavis, Inc. But I'm not familiar 24 enough with the corporate structure to</p>
Page 103	Page 105
<p>1 Q. So is it your understanding 2 that the structure of the department 3 responsible for marketing opioids stayed 4 the same from when Kadian was first 5 detailed through the time when the 6 detailing of Kadian ceased? 7 MS. WELCH: Objection to the 8 form. 9 THE WITNESS: So my 10 understanding, in talking to 11 Jennifer, was that she -- you 12 know, she was brought on, I 13 believe it was in 2009, for the 14 marketing of Kadian. And then 15 once the marketing of Kadian 16 ceased toward the end of 2012, I 17 believe she was no longer with the 18 company, because she was a 19 consultant and not employed by the 20 company. So there were changes, 21 such as that. 22 BY MR. MELAMED: 23 Q. Who was in charge of the 24 marketing group at Actavis, Inc., once</p>	<p>1 know if there were any subsidies or who 2 they would have remained employed by. 3 Q. You say that marketing for 4 generics -- that Ms. McCormick was in 5 charge of marketing for generics at that 6 time; that's your testimony, right? 7 A. That's my understanding, 8 yes. 9 Q. Is it your understanding 10 that in that role she oversaw the 11 marketing of the generic drugs that had 12 formerly been owned by Watson 13 Pharmaceuticals and were brought into the 14 combined company? 15 MS. WELCH: Objection to 16 form. 17 THE WITNESS: My 18 understanding is that she was the 19 director of marketing for generic 20 opioids and -- but I don't know 21 whether -- how the Watson 22 Pharmaceuticals' products would 23 have been folded into, you know, 24 the legacy Actavis products.</p>

<p style="text-align: right;">Page 106</p> <p>1 BY MR. MELAMED:</p> <p>2 Q. So your testimony is that</p> <p>3 you have an understanding of how the</p> <p>4 legacy Actavis products were being</p> <p>5 marketed once the companies merged in</p> <p>6 2012 and going forward in 2013; is that</p> <p>7 right?</p> <p>8 A. My understanding was that</p> <p>9 the people that I named were in charge of</p> <p>10 the marketing department for generic</p> <p>11 opioids at legacy Actavis, yes.</p> <p>12 Q. Is it also accurate to say</p> <p>13 that you're not sure who was in charge of</p> <p>14 marketing the generic opioids that came</p> <p>15 into the combined company from Watson</p> <p>16 Pharmaceuticals?</p> <p>17 A. It's correct to say I don't</p> <p>18 know how those were folded in and in</p> <p>19 terms of responsibilities.</p> <p>20 I do know that, you know,</p> <p>21 these people that I named earlier were in</p> <p>22 charge of generic opioids. I don't know</p> <p>23 if they -- you know, specifically which</p> <p>24 products.</p>	<p style="text-align: right;">Page 108</p> <p>1 my understanding" --</p> <p>2 A. Yes.</p> <p>3 Q. -- which is fine.</p> <p>4 I just want to confirm that</p> <p>5 you understand you're testifying on</p> <p>6 behalf of the corporation.</p> <p>7 A. Yes.</p> <p>8 Q. So it's the corporation's</p> <p>9 understanding.</p> <p>10 Is that -- are you</p> <p>11 testifying that way because you're not</p> <p>12 sure and you want to make it clear that</p> <p>13 you're not sure about your answers when</p> <p>14 you're saying "my understanding was</p> <p>15 that"?</p> <p>16 A. I mean, my understanding</p> <p>17 based on the conversations that I've had</p> <p>18 with everyone, I wasn't there, I think,</p> <p>19 is the distinction that I'm trying to</p> <p>20 make.</p> <p>21 Q. Just to be clear, and I</p> <p>22 think you do understand this, you</p> <p>23 understand this testimony binds the</p> <p>24 company, correct?</p>
<p style="text-align: right;">Page 107</p> <p>1 Q. Who was in charge of the</p> <p>2 sales force responsible for selling</p> <p>3 branded opioids in 2013, once the</p> <p>4 combined companies had taken on the name</p> <p>5 Actavis, Inc.?</p> <p>6 A. My understanding is that the</p> <p>7 branded opioids were no longer promoted</p> <p>8 after 2012.</p> <p>9 Q. So using the definition of</p> <p>10 marketing that we discussed before,</p> <p>11 meaning any efforts to sell -- undertaken</p> <p>12 to sell the branded opioids in this case,</p> <p>13 who was in charge of the department that</p> <p>14 oversaw efforts to sell branded opioids</p> <p>15 at Actavis, Inc. in 2013?</p> <p>16 A. My understanding is that</p> <p>17 would have been Nathalie Leitch. But,</p> <p>18 yeah, my -- my understanding was that</p> <p>19 the -- most of the promotional efforts</p> <p>20 for Kadian and, therefore, branded</p> <p>21 opioids, most of the promotion stopped</p> <p>22 toward the end of 2012.</p> <p>23 Q. I just want to note, you're</p> <p>24 prefacing many of your answers with "it's</p>	<p style="text-align: right;">Page 109</p> <p>1 A. Binds this company how?</p> <p>2 Q. It's as if the company</p> <p>3 itself is testifying to these facts.</p> <p>4 A. Yes, I understand.</p> <p>5 Q. Can you describe the</p> <p>6 structure of the group at Actavis, Inc.</p> <p>7 in 2013 that was responsible for selling</p> <p>8 opioids in the United States?</p> <p>9 A. 2013? Are you -- you're</p> <p>10 speaking about branded opioids or generic</p> <p>11 opioids?</p> <p>12 Q. Were the structures for</p> <p>13 branded opioids and generic opioids</p> <p>14 different?</p> <p>15 A. My understanding is that</p> <p>16 they were. However, my understanding is</p> <p>17 that the branded opioids promotion ended</p> <p>18 mostly in 2012, early 2013.</p> <p>19 My understanding is Nathalie</p> <p>20 Leitch was responsible for that. And</p> <p>21 then the people that I had mentioned</p> <p>22 earlier were responsible for the generic</p> <p>23 opioid marketing.</p> <p>24 I will say, I don't recall</p>

<p style="text-align: right;">Page 110</p> <p>1 the exact time frame of each of these 2 people that I named earlier worked for 3 that. I don't -- I don't remember. 4 Q. I just want to clarify, I 5 was trying to ask about the actual sales. 6 A. Oh, okay. 7 Q. Who was -- who was the sales 8 force for opioids at Actavis, Inc. in 9 2013? And it may be that your answer is 10 the same, it may not -- 11 A. So sales -- 12 Q. -- I just want to be clear. 13 A. I'm sorry. So sales force, 14 not marketing. 15 So the sales force, my 16 understanding was that, you know, the 17 sales force that was selling Kadian was 18 employed by inVentiv and they no longer 19 were employed by or were contracted by 20 Actavis after the end of 2012. 21 As far as the generic 22 promotion, my understanding is there was 23 not a sales force that was responsible 24 for selling the generic products.</p>	<p style="text-align: right;">Page 112</p> <p>1 between inVentiv and Actavis concerning 2 the sales of Kadian? 3 A. I'm taking a look to see 4 what notes I have on this. Just give me 5 a minute. 6 I'm just looking for the 7 names of the people who were the head of 8 sales at inVentiv. 9 So I was looking for the 10 business directors. I can give you their 11 names. Nathalie Leitch was the one who, 12 my understanding, was in charge of the 13 relationship between them. But I'm just 14 not able to find right now who the names 15 of the two sales directors were that she 16 worked with. 17 Q. If you find it at some point 18 later today, please let me know. 19 A. Sure. 20 Q. Who provided the training 21 materials for inVentiv sales 22 representatives who were selling Kadian? 23 A. So a group -- there's a 24 number of people who put together the</p>
<p style="text-align: right;">Page 111</p> <p>1 Q. Actavis Incorporated 2 continued to sell branded Kadian in 2013, 3 correct? 4 A. Continued to sell, like make 5 it available and book sales, yes. 6 Q. Who was the sales force 7 responsible for those sales in 2013? 8 A. So the -- after the 9 inVentiv sales force was no longer being 10 used, there was a telesales force that 11 was still employed to sell Kadian. 12 I don't recall the exact 13 time. I'd have to look through the exact 14 timing of when they ceased their 15 promotion. But that continued into 2013. 16 But there was no other sales 17 force selling Kadian after the inVentiv 18 sales force. 19 Q. Who at -- let me withdraw 20 that. 21 Who was the primary contact 22 at Actavis prior to the -- its 23 acquisition by Watson Pharmaceuticals for 24 inVentiv? Who managed the relationship</p>	<p style="text-align: right;">Page 113</p> <p>1 training. So Nathalie Leitch worked with 2 the sales managers. 3 But I have, if you turn to 4 Page 4, Topic 8, in Exhibit-3, and 5 there's a whole list of people who 6 provided sales training to the inVentiv 7 sales force. 8 Q. What it says here is the 9 individuals are identified on agendas as 10 presenters at training sessions. 11 A. Uh-huh. 12 Q. Do you mean to say that each 13 of them trained the sales force 14 concerning the sales of Kadian? 15 A. They were on the agenda and 16 they trained different pieces of it. So 17 it wasn't that, you know, this person 18 went and trained some of the sales force, 19 it was that they provided different 20 information in the training. 21 Q. Why did Actavis hire an 22 outside sales force? 23 A. So it's pretty common 24 practice, if you have a company that</p>

<p style="text-align: right;">Page 114</p> <p>1 doesn't have a sales force and you 2 acquire a product to promote, then to go 3 to a contract sales force who would be 4 able to get that up and running and kind 5 of know all the ins and outs of hiring a 6 sales force. 7 Q. If we were to go through the 8 names that are listed in the response 9 column on Page 4 as the persons 10 identified on agendas as presenters at 11 training sessions for the sales reps who 12 promoted Kadian, do you know what each 13 individual's responsibility during those 14 training sessions was, what topics they 15 were responsible for? 16 A. Some of them, based on their 17 title. But the agendas, I believe, are 18 in these Bates numbers. 19 So if we brought them up, we 20 could -- I could give more specifics on 21 what they were responsible for 22 presenting. 23 I do know that Jennifer 24 presented marketing updates, in my</p>	<p style="text-align: right;">Page 116</p> <p>1 process at Actavis. So they would have 2 been created and gone through that review 3 process. 4 Q. What is the review 5 process -- at what time are you 6 describing the review process? 7 A. That would have been during 8 the time period that Kadian was promoted 9 by a sales force, between May of 2009 and 10 December of 2012. 11 Q. What was that process? 12 A. Sure. Let me bring that up. 13 I have information on that in Exhibit-3 14 as well. I believe it's Topic 40. 15 Q. What page number are you on? 16 A. Page 24. 17 So I reviewed documents 18 related to the PRC process. I believe 19 Jennifer also testified regarding this 20 during her deposition. 21 But the basic process is 22 outlined here, and I can take you through 23 it. 24 The marketing department</p>
<p style="text-align: right;">Page 115</p> <p>1 conversations with her. 2 Q. You mentioned certain of the 3 individuals you could tell what they 4 presented on based on their titles? 5 A. Uh-huh. 6 Q. Can you identify which of 7 those individuals and then the topic? 8 A. Well, Jennifer Altier and 9 Nathalie Leitch would have presented on 10 marketing. I know that. 11 And then there was a managed 12 care -- I don't know how to say the name, 13 Ara Aprahamian, that would have presented 14 on managed care. 15 But the others, in order to 16 get the specifics, I would have to pull 17 up those agendas. 18 Q. Do you know if the employees 19 listed in the same paragraph we're 20 discussing as working for inVentiv 21 created their own materials for these 22 presentations? 23 A. No. The training materials 24 would have gone through the review</p>	<p style="text-align: right;">Page 117</p> <p>1 will develop promotional pieces for the 2 sales force or also training for internal 3 use. And they bring them to this, what 4 we call a PRC, or promotional review 5 committee, which people from legal, 6 regulatory and medical sit on the PRC. 7 And they review the documents for 8 compliance with regulations and the 9 policies and determine whether the piece 10 is approved or needs some changes. And 11 they will request, then, that changes are 12 made. And then once those changes are 13 incorporated, they would determine that 14 the piece is approved with no further 15 revisions. 16 And then at that time, the 17 marketing department can -- authorizes 18 the use -- the piece for use and 19 distribution. 20 And then at the end of the 21 process, the regulatory affairs 22 department submits it to -- at the time 23 it was DDMAC, now it's OPDP. 24 Q. Are you familiar with</p>

<p style="text-align: right;">Page 118</p> <p>1 leave-behinds?</p> <p>2 A. Yes.</p> <p>3 Q. Leave-behinds are materials</p> <p>4 left behind at doctors' offices, correct?</p> <p>5 A. Yes, they are materials that</p> <p>6 are left behind, yes.</p> <p>7 Q. Did leave-behinds go through</p> <p>8 the same PRC review process?</p> <p>9 A. Yes.</p> <p>10 Q. Did anyone -- let me</p> <p>11 withdraw that.</p> <p>12 Are you familiar with</p> <p>13 promotions that were direct to</p> <p>14 pharmacies?</p> <p>15 MS. WELCH: Objection to</p> <p>16 form.</p> <p>17 THE WITNESS: The materials</p> <p>18 that -- you mean in general, or do</p> <p>19 you mean specific to Kadian and</p> <p>20 Norco?</p> <p>21 BY MR. MELAMED:</p> <p>22 Q. Are you familiar with</p> <p>23 materials to -- that were created to</p> <p>24 promote Kadian and were intended to be</p>	<p style="text-align: right;">Page 120</p> <p>1 of the marketing materials themselves</p> <p>2 used to detail Norco?</p> <p>3 A. I don't recall seeing</p> <p>4 materials for promotion of Norco.</p> <p>5 Q. Are you familiar with</p> <p>6 materials created for pharmacies on</p> <p>7 behalf of the generic opioids that were</p> <p>8 sold by Actavis?</p> <p>9 MS. WELCH: Objection to</p> <p>10 form.</p> <p>11 THE WITNESS: So the</p> <p>12 materials that I did see related</p> <p>13 to generics were the materials</p> <p>14 that were used by the inVentiv</p> <p>15 sales force to announce the</p> <p>16 availability of generic, I believe</p> <p>17 it was oxymorphone, and I'd have</p> <p>18 to double check that.</p> <p>19 And they -- so I did see</p> <p>20 those materials. And they would</p> <p>21 announce the availability of the</p> <p>22 generics. And those were for</p> <p>23 pharmacists as well as physicians.</p> <p>24 BY MR. MELAMED:</p>
<p style="text-align: right;">Page 119</p> <p>1 shared with pharmacies?</p> <p>2 A. I'm aware there were</p> <p>3 materials that were created to be sent to</p> <p>4 be given to pharmacists, yes.</p> <p>5 Q. Did those also go through</p> <p>6 the PRC?</p> <p>7 A. Yes, those would also go</p> <p>8 through the PRC.</p> <p>9 Q. What about similar materials</p> <p>10 for Norco; are you familiar with any</p> <p>11 similar materials for Norco?</p> <p>12 A. So for Norco I wasn't able</p> <p>13 to uncover a full description of a PRC</p> <p>14 process. So I don't know the details of</p> <p>15 that.</p> <p>16 Q. So at the time Norco was</p> <p>17 being detailed, do you have any knowledge</p> <p>18 about how marketing materials were</p> <p>19 developed?</p> <p>20 A. Really, all the documents I</p> <p>21 reviewed, I was not able to find details</p> <p>22 on that. It was really more for Kadian,</p> <p>23 because it was a more recent time period.</p> <p>24 Q. Were you able to review any</p>	<p style="text-align: right;">Page 121</p> <p>1 Q. Are you aware of any</p> <p>2 promotional materials created for generic</p> <p>3 opioids during the time that Watson</p> <p>4 Pharmaceuticals existed and was selling</p> <p>5 generic opioids?</p> <p>6 A. I do not have those</p> <p>7 materials. I did not see those</p> <p>8 materials.</p> <p>9 My understanding is, you</p> <p>10 know, all the generic businesses, as I</p> <p>11 mentioned earlier, went to -- went to</p> <p>12 Teva. And so the legacy documents, I</p> <p>13 would assume, would be with them.</p> <p>14 Q. During what time period did</p> <p>15 inVentiv provide sales reps to Actavis</p> <p>16 and any of the Actavis entities that we</p> <p>17 talked about?</p> <p>18 MS. WELCH: Objection to</p> <p>19 form.</p> <p>20 BY MR. MELAMED:</p> <p>21 Q. Let's start, did inVentiv --</p> <p>22 I'll withdraw that.</p> <p>23 Did inVentiv ever provide</p> <p>24 sales representatives to Watson</p>

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1 Pharmaceuticals prior to Watson's
 2 acquisition of Actavis?
 3 A. To Watson -- I'm sorry,
 4 you're talking about Watson?
 5 So I don't know whether
 6 inVentiv ever had a contract with Watson.
 7 The specific inVentiv sales force that
 8 detailed Kadian was not -- did not detail
 9 Norco.
 10 Q. During what time period did
 11 inVentiv detail Kadian?
 12 A. That was middle of 2009
 13 through, I believe, it was the end of
 14 2012. The contract that I have here,
 15 Exhibit-5, is dated May of 2009.
 16 Q. So are you aware that in
 17 2013 a company called Actavis PLC was
 18 incorporated to facilitate the merger of
 19 Actavis, Inc. and Warner Chilcott, PLC?
 20 MS. WELCH: Objection.
 21 Outside of the scope of topics
 22 that the witness has been
 23 designated on.
 24 THE WITNESS: That's my

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1 understanding, is that's outside
 2 the scope.
 3 BY MR. MELAMED:
 4 Q. My question isn't whether
 5 it's outside the scope or not.
 6 It's whether you are aware
 7 of that?
 8 MS. WELCH: Same objection.
 9 THE WITNESS: No, I'm not
 10 aware. I mean, I'm aware that
 11 Warner Chilcott was acquired, but
 12 I don't know the details of the
 13 corporate structure.
 14 BY MR. MELAMED:
 15 Q. Once Warner Chilcott was
 16 acquired, were there any changes to the
 17 marketing department organization you
 18 described before that existed at Actavis,
 19 Inc.?
 20 A. I don't know.
 21 Q. Do you know if there were
 22 any changes to the marketing department
 23 that you described before at Actavis,
 24 Inc., once Warner Chilcott was acquired?

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1 A. I don't know.
 2 Q. Once -- you're aware that in
 3 2015, the parent company became a company
 4 called Allergan PLC? Is that -- are you
 5 aware of that?
 6 A. Yes.
 7 Q. At that point, do you
 8 know -- are you aware of the structure of
 9 the marketing department in 2015 at
 10 Allergan PLC?
 11 A. In 2015, I was employed by
 12 Allergan, like I said, probably not PLC,
 13 but Allergan. And there were several
 14 different pieces of the marketing group.
 15 There was a group that was legacy
 16 Allergan, there was also a group that
 17 was -- we call legacy Actavis.
 18 So, yes, there were changes
 19 made to personnel and structure at that
 20 time.
 21 Q. Was there also a legacy
 22 Watson group?
 23 A. There were definitely people
 24 who had come from Watson. Since the

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1 merger at that time happened between
 2 Actavis and Allergan, there was -- the
 3 way that I think of it is an Allergan
 4 group and an Actavis Group because that
 5 was the current -- the current situation.
 6 Q. And Watson -- legacy Watson
 7 was, thus, inside the Actavis Group; is
 8 that right?
 9 MS. WELCH: Objection to
 10 form.
 11 THE WITNESS: The -- in
 12 2015, Allergan and Actavis merged.
 13 And I believe it was Actavis
 14 purchased Allergan. But as far
 15 as, you know, the structure of
 16 individual Actavis, I'm not
 17 familiar enough with the corporate
 18 structure to speak on that.
 19 BY MR. MELAMED:
 20 Q. What about for the marketing
 21 group? Are you familiar enough with the
 22 marketing group to speak about that
 23 structure?
 24 A. The marketing group, I mean,

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1 what do you -- I mean, structure is a
 2 very broad term.
 3 Q. You were part of the
 4 marketing group --
 5 A. Yes.
 6 Q. -- at Allergan PLC, correct?
 7 A. Correct.
 8 Q. And you're not sure whether
 9 you worked for Allergan PLC, but at the
 10 time the corporate entity, the top
 11 corporate entity was called Allergan PLC,
 12 you were part of the marketing group,
 13 correct?
 14 A. I was part of the marketing
 15 group at Allergan, yes.
 16 Q. Were there multiple
 17 marketing groups at Allergan PLC or a
 18 single?
 19 MS. WELCH: Objection to
 20 form.
 21 BY MR. MELAMED:
 22 Q. I'll rephrase that.
 23 Were there multiple
 24 marketing groups at Allergan PLC?

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1 MS. WELCH: Objection to
 2 form.
 3 THE WITNESS: There are --
 4 there are different products that
 5 people market. So there's --
 6 there's what you would call --
 7 there would be marketing for the
 8 Alzheimer's products, there would
 9 be marketing for Botox.
 10 So there would be different
 11 people in charge of different
 12 pieces of the marketing.
 13 BY MR. MELAMED:
 14 Q. Did all the different people
 15 in charge of different pieces of
 16 marketing, as you've just described,
 17 report up through a single structure?
 18 A. In 2015 -- there have been
 19 changes since then, and I don't recall
 20 whether there was one person in charge.
 21 I mean, I guess, everyone ultimately
 22 reports up to the CEO.
 23 But in terms of were there
 24 multiple heads of marketing at that time,

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1 I'm not sure.
 2 Q. What actions -- I'm going to
 3 state a time frame first.
 4 Prior to Teva's acquisition
 5 of the generic portfolio of drugs, what
 6 actions did Allergan PLC undertake to
 7 sell those drugs?
 8 MS. WELCH: Objection to
 9 form.
 10 THE WITNESS: The -- I'm
 11 sorry, the marketing of the
 12 generic drugs at Allergan?
 13 BY MR. MELAMED:
 14 Q. Any actions that Allergan
 15 PLC undertook, prior to the sale of the
 16 generic opioid portfolio to Teva, in
 17 order to get their drugs to market, what
 18 actions was it taking?
 19 MS. WELCH: Objection to
 20 form. Specifically with respect
 21 to PLC, she has said she's not a
 22 designee on corporate structure.
 23 THE WITNESS: So as far as
 24 the marketing for the generic

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1 drugs, you're asking about?
 2 BY MR. MELAMED:
 3 Q. So there were generic drugs
 4 in --
 5 A. Yes.
 6 Q. -- under the umbrella of
 7 Allergan PLC, correct?
 8 MS. WELCH: Objection to
 9 form. She's not a designee on
 10 corporate structure.
 11 BY MR. MELAMED:
 12 Q. Do you know whether there
 13 were generic drugs under the umbrella of
 14 the corporation Allergan PLC in 2015?
 15 MS. WELCH: Objection to
 16 form.
 17 THE WITNESS: I don't know
 18 the corporate structure. I don't
 19 know what fell under Allergan PLC.
 20 BY MR. MELAMED:
 21 Q. You reviewed forms 10-K in
 22 preparation for today, correct?
 23 A. There was one, yes. There
 24 was -- I believe it was 2017.

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1 The 2017 10-K. I would say,
 2 though, I didn't review it in its
 3 entirety. I reviewed it in order to
 4 respond to the questions regarding the
 5 percent of Allergan Finances' revenue
 6 that those sales accounted for, for
 7 Kadian and Norco.
 8 Q. Does the 10-K -- I'm sorry,
 9 let me withdraw that.
 10 Who is the 10-K filed by,
 11 the 2017 10-K filed by?
 12 MS. WELCH: Objection.
 13 She's not a corporate designee on
 14 that topic and she has stated
 15 she's not a corporate --
 16 MR. MELAMED: I'm just
 17 asking -- she just testified that
 18 she reviewed the 2017 10-K to
 19 determine what percentage of
 20 Allergan Finance LLC's sales were
 21 derived from the sale of opioids.
 22 BY MR. MELAMED:
 23 Q. Is that correct?
 24 MS. WELCH: Same objections.

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1 THE WITNESS: As I
 2 mentioned, I looked at the
 3 specific sales for the company to
 4 be able to calculate those
 5 percentages.
 6 I don't have all the details
 7 on how the 10-K was filed.
 8 BY MR. MELAMED:
 9 Q. And you're on Page?
 10 A. I'm sorry, Page 19.
 11 Q. 19 of Exhibit-3?
 12 A. Yes, Topic 33. And in the
 13 response column, I'm looking at the last
 14 paragraph.
 15 And as you see here -- so
 16 what I calculated here was the revenue of
 17 Kadian and Norco as a percent of revenue
 18 for Allergan PLC. And that was the .33
 19 percent and .28 and .2 that you see here.
 20 Q. Did you undertake a similar
 21 exercise concerning all of the opioids
 22 sold by Allergan PLC for the year --
 23 fiscal year 2017?
 24 MS. WELCH: Objection to

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1 form.
 2 THE WITNESS: This was --
 3 BY MR. MELAMED:
 4 Q. This was 2017?
 5 A. I specifically looked at
 6 Kadian and Norco for 2017.
 7 Q. Did you, in any of your --
 8 in preparation to answer this question,
 9 did you consider the sales of generic
 10 opioids at all?
 11 MS. WELCH: Asked and
 12 answered.
 13 THE WITNESS: In -- as I
 14 mentioned earlier, the databases
 15 with the information on the
 16 generics had gone over to Teva,
 17 and we did not have access to
 18 those in the current, 2016 to the
 19 present, information that we keep
 20 on file.
 21 BY MR. MELAMED:
 22 Q. Who did you ask for that
 23 information?
 24 A. Tom Riley.

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1 Q. Did you ask anybody else for
 2 that information?
 3 A. Tom Riley is my finance
 4 contact.
 5 Q. Did you ask anybody else
 6 aside from Tom Riley?
 7 A. No. I talked to Tom Riley.
 8 He's my finance contact. He's the person
 9 I would go to for this information. And
 10 if he says that it doesn't exist, then
 11 that's the -- that's the information that
 12 I received.
 13 Q. When you say he's your
 14 "finance contact," are you speaking on
 15 behalf of yourself or the company?
 16 A. Myself. So he's the person
 17 that I would go to for finance questions.
 18 Q. In 2015, the consolidated
 19 company rolling up to Allergan PLC sold
 20 generic Fentanyl patches.
 21 Are you aware of that?
 22 A. In 2015?
 23 Q. Yes.
 24 A. What -- the company sold --

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1 I'm sorry, say that again.
 2 Q. It wasn't -- the question
 3 wasn't what company.
 4 I'm asking whether you're
 5 aware that the consolidated entities that
 6 rolled up to Allergan PLC sold Fentanyl
 7 patches.
 8 MS. WELCH: Objection to
 9 form.
 10 BY MR. MELAMED:
 11 Q. Are you aware of that?
 12 MS. WELCH: Objection to
 13 form.
 14 THE WITNESS: I am not clear
 15 on which -- what company sold
 16 that.
 17 BY MR. MELAMED:
 18 Q. That's not my question.
 19 My question is just whether
 20 you're aware that a company within the
 21 corporate umbrella of Allergan PLC sold
 22 Fentanyl patches in 2015?
 23 MS. WELCH: Objection to
 24 form.

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1 THE WITNESS: I'm not aware.
 2 BY MR. MELAMED:
 3 Q. Or are you aware that some
 4 corporate entity reporting up through
 5 Allergan PLC sold generic hydrocodone --
 6 MS. WELCH: Objection.
 7 BY MR. MELAMED:
 8 Q. -- in 2015?
 9 MS. WELCH: Objection to
 10 form.
 11 THE WITNESS: I'm not sure I
 12 understand the question.
 13 It's -- I thought we had --
 14 my understanding is that the
 15 generic businesses had been sold
 16 to Teva and legacy was --
 17 BY MR. MELAMED:
 18 Q. When were they sold to Teva?
 19 A. I don't recall the date. I
 20 don't have it in front of me.
 21 Q. Are you aware that prior to
 22 their sale to Teva, some corporate entity
 23 rolling up through and reporting through
 24 Allergan PLC sold hydrocodone?

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1 MS. WELCH: Objection. And
 2 questions about what rolled up
 3 through PLC is not something this
 4 witness has been designated to
 5 speak on.
 6 If you want to ask
 7 questions --
 8 MR. MELAMED: I asked the
 9 question.
 10 MS. WELCH: -- relating to
 11 the topics. But you're baking
 12 in --
 13 MR. MELAMED: There's no
 14 bake in.
 15 You can object.
 16 MS. WELCH: You are --
 17 MR. MELAMED: You can object
 18 in the record --
 19 MS. WELCH: You are baking
 20 in --
 21 MR. MELAMED: -- to the
 22 court. You've objected.
 23 BY MR. MELAMED:
 24 Q. Please answer the question.

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1 MS. WELCH: She is not
 2 designated to speak on those
 3 topics.
 4 MR. MELAMED: That's fair
 5 enough. She can answer that.
 6 She can answer that she
 7 doesn't know. She can answer she
 8 does know. She can answer the
 9 question is unclear, that's her
 10 prerogative.
 11 THE WITNESS: Well, I can --
 12 MR. MELAMED: You can raise
 13 the objection. And then you can
 14 raise it with the court if and
 15 when necessary.
 16 MS. WELCH: Objection.
 17 She's not designated to speak on
 18 the topic.
 19 THE WITNESS: I'm not sure I
 20 understand the question, and so
 21 I'm just going to say I don't
 22 know.
 23 BY MR. MELAMED:
 24 Q. Well, I want to make sure

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1 you understand the question. She can
 2 object. And then I want to get your
 3 answer. And if the answer is, I don't
 4 understand, at that point I'll try to
 5 rephrase it.
 6 Are you aware -- let me
 7 phrase it this way: Are you aware that
 8 Allergan PLC reported revenues associated
 9 with the sales of hydrocodone in 2015?
 10 A. I'm not aware.
 11 MS. WELCH: Objection, to
 12 the extent she's not been
 13 designated on this topic.
 14 BY MR. MELAMED:
 15 Q. You're not aware; is that
 16 correct?
 17 A. I'm not aware.
 18 MR. MELAMED: I'm not trying
 19 to rephrase that to get around
 20 your objection. I understand your
 21 objection.
 22 BY MR. MELAMED:
 23 Q. Are you aware of any generic
 24 opioid for which Allergan PLC booked

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1 revenue in 2015?
 2 MS. WELCH: Objection. She
 3 is not designated on that topic.
 4 THE WITNESS: Same answer;
 5 I'm not aware.
 6 BY MR. MELAMED:
 7 Q. Are you aware of any generic
 8 opioid for which Actavis PLC booked
 9 revenue?
 10 MS. WELCH: Objection to the
 11 extent you are asking the
 12 corporate intricacies for which
 13 she is not the designated topic.
 14 THE WITNESS: So can you
 15 repeat that question?
 16 BY MR. MELAMED:
 17 Q. Sure.
 18 Are you aware whether
 19 Actavis PLC reported revenues based on
 20 the sale of any generic opioids?
 21 MS. WELCH: Same objection.
 22 BY MR. MELAMED:
 23 Q. Actavis PLC existed from
 24 some point in 2013 until mid 2015.

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1 MR. MELAMED: Just as an
 2 assistance, I'm not trying to
 3 testify on her behalf.
 4 THE WITNESS: So your
 5 question is, am I aware of any
 6 generic sales of Actavis from 2013
 7 on? Is that the question?
 8 BY MR. MELAMED:
 9 Q. I'm just stating that, and
 10 asking if you are aware of it or not,
 11 that there were revenues booked on behalf
 12 of a corporate entity called Actavis PLC
 13 based on the sales of generic opioids.
 14 MS. WELCH: Same objections.
 15 BY MR. MELAMED:
 16 Q. Are you aware of that?
 17 A. I'm confused by the
 18 corporate structure. So I'm not sure
 19 that I can answer that.
 20 Q. Are you -- did Allergan
 21 Finance LLC book revenues based on the
 22 sale of generic opioids in 2013?
 23 MS. WELCH: Same objection.
 24 THE WITNESS: I don't know.

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1 BY MR. MELAMED:
 2 Q. Who implements training now
 3 for the marketing department?
 4 MS. WELCH: Objection to
 5 form.
 6 THE WITNESS: So who -- when
 7 you say "implements training," who
 8 is responsible for --
 9 BY MR. MELAMED:
 10 Q. Who is responsible for
 11 designing --
 12 A. -- training the sales force?
 13 Q. -- the training, training?
 14 A. So, I mean, I can answer for
 15 my current marketing group. I work in
 16 what's called the general medicine
 17 marketing group, and there is a person
 18 who runs training for general medicine.
 19 I can't speak for who the
 20 people are who might do training for
 21 Botox or specialty, things that are
 22 outside of -- so the person who runs the
 23 training group right now is a woman named
 24 Karen Conneely.

<p style="text-align: right;">Page 142</p> <p>1 Q. And does she run training 2 related to opioid products? 3 A. No. There is no training 4 related to the sales force. We're 5 talking specifically sales force 6 training. There is no sales force that 7 sells opioid. 8 Q. How are -- how does the 9 company -- is your understanding -- let 10 me withdraw that and restate it. 11 What is your understanding 12 of the way the company currently sells 13 opioids? 14 MS. WELCH: Objection to 15 form. 16 THE WITNESS: It's a very 17 broad topic. Can you be more 18 specific? 19 BY MR. MELAMED: 20 Q. Sure. 21 Does any entity that you're 22 aware of within this universe of Allergan 23 PLC sell opioids? 24 MS. WELCH: Objection to</p>	<p style="text-align: right;">Page 144</p> <p>1 the product. 2 Q. The website for what? 3 A. I'm sorry. For Kadian, 4 specifically. And there's a website that 5 just -- I believe it's Kadian.com, and it 6 just has a link to the prescribing 7 information. 8 Q. So for -- let's say I'm a 9 wholesaler that wants to purchase Kadian, 10 can you talk me through that process? 11 How do I -- who do I 12 contact? How do I contact them? If it's 13 a group, feel free to talk about the 14 group. 15 We can delve -- I'm just 16 trying to get a big picture and then we 17 can delve into -- 18 A. I can give you a general 19 understanding of how. And, actually, I 20 have -- I'm going to turn us to a page in 21 here on Topic 21. 22 Page 12. 23 Q. Page 12 of Exhibit-3, 24 correct?</p>
<p style="text-align: right;">Page 143</p> <p>1 form. 2 THE WITNESS: I mean, what's 3 your definition of "sell"? 4 BY MR. MELAMED: 5 Q. Why don't you -- explain to 6 me why you're confused about -- what are 7 the definitions of sales that -- 8 A. So does a sales force go out 9 to sell it to physicians? Does the 10 company make it available to wholesalers 11 to purchase? Those are -- 12 Q. Those are both within the 13 definition of sell. 14 So does the company sell 15 opioids? 16 A. The company makes opioids 17 available for purchase, both -- the 18 second piece of the definition. The 19 company does not have a sales force that 20 would go talk to physicians. 21 There's also no marketing 22 materials that would be created 23 currently, and the website is simply a 24 link to the prescribing information for</p>	<p style="text-align: right;">Page 145</p> <p>1 A. Of Exhibit-3, correct. 2 Q. Is it Topic 21 or 20 that 3 you're referring to? 4 A. 21. And in the response 5 column, the first paragraph. 6 So in general, wholesalers 7 and distributors would order product from 8 Allergan, and then we would -- UPS would 9 ship to the wholesalers. And then the 10 wholesalers would fulfill orders to 11 pharmacies, who then, of course, provide 12 the product to patients. 13 You know, we typically -- we 14 have -- what the second sentence refers 15 to is we have reports that allow us to 16 monitor inventory to ensure that we, from 17 a manufacturing perspective, have product 18 to make these sales. 19 Currently, Teva 20 manufacturers the products, and Allergan 21 does not. 22 Q. So in layman's terms -- 23 A. Yes. 24 Q. -- somebody calls up a</p>

<p style="text-align: right;">Page 146</p> <p>1 distributor, pharmacy, and says, I would 2 like to purchase X units of Kadian, X 3 milligrams. 4 And then from there just 5 talk me through who does what or which 6 role each person is playing. 7 A. So it could be online versus 8 a phone call. And then there is a group 9 that would -- that I believe Mary Woods 10 runs that is responsible for fulfilling 11 the orders. 12 Q. And do you have any idea 13 what that group does to fulfill the 14 orders, the steps it takes? 15 MS. WELCH: Objection, to 16 the extent she is not designated 17 on that specific topic. 18 You can explain what you 19 know. 20 THE WITNESS: I mean, 21 everything comes in through an 22 ordering system, and the -- 23 because this is manufactured by 24 Teva, you know, the order would</p>	<p style="text-align: right;">Page 148</p> <p>1 Which is a generic, correct? 2 MR. BAILEY: Objection to 3 form. 4 THE WITNESS: So that's what 5 the -- that's what the document 6 says here in terms of -- and I can 7 explain. 8 And if -- I don't know if 9 there's other comments on that. 10 This is looking historically back. 11 And I believe Jennifer talked 12 about it in her deposition. What 13 these typically would be for the 14 ones that I reviewed are 15 information about a product being 16 available, NDC numbers, and I 17 believe one of the ones I reviewed 18 had information about a co-pay 19 card. 20 BY MR. MELAMED: 21 Q. So regarding the -- going 22 back to Page 12, Allergan Finance would 23 occasionally use Cardinal to send e-mail 24 blasts to retail pharmacies regarding</p>
<p style="text-align: right;">Page 147</p> <p>1 get -- actually, I'm not sure 2 which distribution facility, 3 someone else would know -- the 4 supply chain or the customer 5 service department would have to 6 talk through the details of that. 7 But UPS then would ship the 8 product to the wholesaler. 9 BY MR. MELAMED: 10 Q. And I see at the bottom of 11 this column, on Page 12 of Exhibit-3, it 12 says, With regards to marketing -- 13 A. Yes. 14 Q. -- Allergan Finance would 15 occasionally use Cardinal to send e-mail 16 blasts to retail pharmacies regarding 17 Kadian. 18 And then it provides 19 examples. 20 And then it continues and 21 says, Allergan Finance would also 22 occasionally use Cardinal and McKesson to 23 send e-mail blasts and make telesales 24 calls regarding oxymorphone.</p>	<p style="text-align: right;">Page 149</p> <p>1 Kadian. 2 When did Allergan Finance 3 use Cardinal to send those e-mail blasts? 4 A. I don't have the exact date. 5 I mean, it was during the time period 6 that -- between 2009 and 2012. Jennifer 7 spoke about that. 8 It sounds like periodically 9 she would get information from the trade 10 group that said, we had, what she called 11 points, to be able to send these e-mail 12 notifications or other notifications that 13 talked about the availability of products 14 or co-pay card availability or whatever 15 the case may be. 16 Q. So your understanding of 17 that, of those promotions, was that they 18 were limited to the period during which 19 Actavis was actively detailing Kadian; is 20 that correct? 21 A. The ones that I saw were. 22 There could have been information -- 23 sometimes when a product -- so I'm 24 speaking specifically about what I saw.</p>

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1 As far as, you know, could
2 there have been other ones that -- you
3 know, sometimes you would send an e-mail
4 blast when there was a change in the NDC
5 number or some other type of change. So
6 there could have been other ones that I
7 didn't review.
8 The ones I specifically saw
9 were during this time period.
10 Q. And there could have been
11 others but you're not sure?
12 A. There could have been others
13 that they sent that I haven't reviewed.
14 However, you know, based on
15 the extensive documents that I looked at,
16 the ones that I saw were, I believe,
17 during that time period.
18 Q. About how many documents did
19 you look at in preparation for testimony
20 today?
21 A. Oh, in general or related to
22 this?
23 Q. In general.
24 A. In general.

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1 Q. Just an estimate, I'm not
2 asking --
3 A. I mean, there were thousands
4 of pages of documents. I'd have a hard
5 time estimating. But, yeah, definitely
6 thousands of pages of documents.
7 Q. And for responding to this
8 question, did you review documents other
9 than those that are called out in this
10 column?
11 A. You mean the Bates numbers
12 that are listed here?
13 Q. Correct.
14 A. Those would be the ones that
15 I looked at, I believe. I'd have to
16 double check exactly what each one of
17 these are. But, yes, in general, those
18 are the ones that I reviewed.
19 Q. So going back to what you
20 said about the e-mail blasts by -- that
21 Allergan Finance would occasionally use
22 Cardinal to send, you're not sure whether
23 any e-mail blasts that fit that
24 description were sent after Actavis

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1 ceased detailing Kadian; is that correct?
2 A. I don't recall the dates on
3 those, so I don't want to speak
4 incorrectly.
5 Q. Just to be clear, I'm not
6 talking about the specific dates on those
7 documents. They are what they are.
8 A. Okay.
9 Q. I'm talking about -- there
10 could exist other documents in the
11 universe of -- in the universe that
12 reflect other e-mail blasts that Allergan
13 Finance had Cardinal send?
14 A. There could be others.
15 MR. BAILEY: Object to form.
16 BY MR. MELAMED:
17 Q. You're unaware, other than
18 the documents you specifically referenced
19 here, whether Allergan Finance used
20 Cardinal to send e-mail blasts regarding
21 Kadian?
22 MR. MCBRIDE: Object to
23 form.
24 THE WITNESS: So just one

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1 clarification. So the documents
2 we have listed here are the ones
3 that I felt were relevant to help
4 me answer these questions.
5 I reviewed so many of those
6 documents, I can't say for certain
7 that these list all of these
8 e-mail blasts. I wouldn't --
9 BY MR. MELAMED:
10 Q. I'm just trying to --
11 A. -- be sure of that.
12 Q. Maybe I'll frame it as a
13 policy or practice.
14 Did Actavis have a policy or
15 practice of using Cardinal to send e-mail
16 blasts, other than at the time it was
17 detailing Kadian?
18 A. I don't know what you mean
19 by a policy or practice of doing that.
20 Q. Do you know if -- do you
21 know if Actavis ever used Cardinal to
22 send e-mail blasts regarding any drug but
23 Kadian?
24 MS. WELCH: Objection to

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1 form. And well outside the scope
2 of what she's been prepared to
3 testify on.
4 THE WITNESS: I would just
5 turn you to the next page here,
6 and I do specifically call out
7 that -- their e-mail blasts
8 regarding oxymorphone.
9 BY MR. MELAMED:
10 Q. Do you know whether Allergan
11 Finance used Cardinal to send e-mail
12 blasts for a drug -- any opioid drug
13 aside from oxymorphone and Kadian?
14 A. I don't know for sure. I
15 don't know for sure that they were --
16 what other e-mail blasts would have been
17 sent from Cardinal.
18 Q. Do you know whether Allergan
19 Finance ever used McKesson to send e-mail
20 blasts --
21 MR. BAILEY: Objection to
22 form.
23 MR. MELAMED: I haven't
24 finished the question, so I'll

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1 start again.
2 BY MR. MELAMED:
3 Q. Do you know whether Allergan
4 Finance ever used McKesson to send e-mail
5 blasts to pharmacies regarding any opioid
6 drug other than oxymorphone?
7 MR. BAILEY: Same objection.
8 THE WITNESS: I don't know
9 everything that McKesson would
10 have sent regarding opioid drugs.
11 BY MR. MELAMED:
12 Q. Can you describe the
13 telesales calls -- let me withdraw.
14 MR. MELAMED: For the people
15 on the phone, in Exhibit-3, Page
16 13, the document states that,
17 Allergan Finance would also
18 occasionally use Cardinal and
19 McKesson to send e-mail blasts and
20 make telesales calls to pharmacies
21 regarding oxymorphone.
22 BY MR. MELAMED:
23 Q. Concerning those telesales
24 calls, were there scripts prepared? Do

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1 you know whether there were scripts
2 prepared for those calls?
3 A. I don't know whether there
4 were scripts prepared for those. I'm
5 trying to think back to the documents
6 that I reviewed.
7 I believe they were. This
8 was really to announce the availability.
9 But I don't recall the details of the
10 document.
11 Q. Do you know whether Allergan
12 Finance had final say over what was
13 supposed to be said during these
14 telesales calls?
15 A. I don't remember. I'd have
16 to look at the -- at the documents.
17 Q. But you don't know whether
18 there were other telesales calls in
19 addition to those reflected in the two
20 documents you note on Exhibit-3; is that
21 correct?
22 A. That's correct.
23 MR. MELAMED: Why don't we
24 go off the record?

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1 VIDEO TECHNICIAN: We are
2 going off record. The time is
3 11:50.
4 - - -
5 (Whereupon, a brief recess
6 was taken.)
7 - - -
8 VIDEO TECHNICIAN: We're
9 going back on record. This is the
10 beginning of Media File Number 3.
11 The time is 12:06.
12 THE WITNESS: So there were
13 a few names I was looking for
14 before that I found during our
15 break.
16 Do you want me to go back
17 and just read those? Those were
18 the sales directors at inVentiv.
19 And they were Mark Killion,
20 K-I-L-L-I-O-N, Patrick McClenahan
21 and Mike Shepherd.
22 BY MR. MELAMED:
23 Q. So they were peers in the
24 hierarchal structure of the sales group

<p style="text-align: right;">Page 158</p> <p>1 at Ventiv -- or inVentiv? Sorry.</p> <p>2 A. Yes. inVentiv, yes.</p> <p>3 Q. Did they have responsibility</p> <p>4 for separate geographical regions?</p> <p>5 A. Yes. So Mark Killion was</p> <p>6 the Midwest. Patrick McClenahan was the</p> <p>7 Southeast. And let's see, Mike Shepherd,</p> <p>8 I don't have the specific geography. But</p> <p>9 if we're talking Midwest and Southeast, I</p> <p>10 would assume it's the West. But don't</p> <p>11 quote me on that.</p> <p>12 Q. So possibly the West but</p> <p>13 you're not sure?</p> <p>14 A. Yes.</p> <p>15 Q. Did the Midwest include</p> <p>16 Ohio?</p> <p>17 A. I would assume so. I don't</p> <p>18 know 100 percent.</p> <p>19 Q. So if we turn to Page 22 of</p> <p>20 Exhibit-3, you described the incentive</p> <p>21 compensation structure for the sales</p> <p>22 force for certain time periods and</p> <p>23 certain drugs; is that accurate?</p> <p>24 A. So, yes. Specifically,</p>	<p style="text-align: right;">Page 160</p> <p>1 that a bonus would be paid based on the</p> <p>2 percentage of a predetermined annual</p> <p>3 sales quota, correct?</p> <p>4 A. So, yes. There was a base</p> <p>5 salary and then there was a sales</p> <p>6 incentive program that was based on a</p> <p>7 percentage of a predetermined sales</p> <p>8 quota. And then there's a -- different</p> <p>9 dollar amounts associated with different</p> <p>10 percentages.</p> <p>11 Q. And the target payout for</p> <p>12 the 100 percent quota attainment, as</p> <p>13 reflected in Exhibit-5, was \$20,000,</p> <p>14 correct?</p> <p>15 A. That's correct, \$20,000 for</p> <p>16 the sales representatives.</p> <p>17 Q. Who defined the sales quota?</p> <p>18 A. The quotas, those would have</p> <p>19 been -- those would have been set in</p> <p>20 combination of -- Nathalie Leitch, I</p> <p>21 believe, was involved in setting those</p> <p>22 sales quotas. But they worked -- she</p> <p>23 worked directly with Tegra Analytics to</p> <p>24 do most of the analysis around the data.</p>
<p style="text-align: right;">Page 159</p> <p>1 there's information on Kadian. That's</p> <p>2 the first paragraph.</p> <p>3 I don't know if you want to</p> <p>4 go through it in detail.</p> <p>5 Q. Let's start with the Kadian</p> <p>6 information.</p> <p>7 You reference a document,</p> <p>8 Allergan_MDL_00988613, as defining base</p> <p>9 salaries and bonuses for sales of Kadian;</p> <p>10 is that correct?</p> <p>11 A. There's a document, it's</p> <p>12 actually Exhibit-5 here, that, yes, lays</p> <p>13 out the base salaries and then the</p> <p>14 methodology for calculating bonuses.</p> <p>15 Q. And so the information you</p> <p>16 provided in the first paragraph of your</p> <p>17 response on Page 22 to Topic 38 reflects</p> <p>18 information contained within the document</p> <p>19 in Exhibit-5; is that right?</p> <p>20 A. Yes. The information here</p> <p>21 comes from this document, Exhibit-5, yes.</p> <p>22 Q. And the information is</p> <p>23 essentially -- let me withdraw that.</p> <p>24 The information includes</p>	<p style="text-align: right;">Page 161</p> <p>1 Q. Tegra Analytics is a</p> <p>2 third-party analytics provider?</p> <p>3 A. Yes.</p> <p>4 Q. And Nathalie Leitch worked</p> <p>5 with Tegra to identify -- use the</p> <p>6 information from Tegra to identify target</p> <p>7 sales amounts for -- on a</p> <p>8 representative-by-representative basis?</p> <p>9 A. She worked -- they analyzed</p> <p>10 the data and summarized it for her. And</p> <p>11 then she would have worked with them to</p> <p>12 determine what the -- yeah, what the --</p> <p>13 the overall goal for Kadian was to</p> <p>14 maintain the prescription level.</p> <p>15 And so the -- they would</p> <p>16 have looked at the prescription levels</p> <p>17 and -- historical, and determined the</p> <p>18 goals based on that.</p> <p>19 Q. In Exhibit-5, if you look at</p> <p>20 the Bates numbers, because I don't see</p> <p>21 page numbers, the Bates number ending</p> <p>22 668.</p> <p>23 A. Yes.</p> <p>24 Q. It's Table 1, Kadian ABM</p>

<p style="text-align: right;">Page 162</p> <p>1 payout versus percentage to goal. 2 A. I see that. 3 Q. ABM is a business -- I'm 4 sorry, is a sales representative, 5 correct? 6 A. It stands for area business 7 manager, I believe. But, yes, it's a -- 8 what we would typically call a sales 9 representative. 10 Q. And the target schedule sets 11 out bonuses that start at 85 percent of 12 the target amount, correct? 13 A. So that's the percent to 14 goal, 85 percent. It starts under 85 15 percent, and then goes to 85 and up. 16 Q. And I just want to make sure 17 I'm reading this correctly, that at 85 18 percent to goal, to the target goal, a 19 sales rep would receive a \$5,000 payout 20 bonus? 21 A. At 85 percent, they would 22 receive \$5,000 for the year. 23 Q. And then the table goes up 24 to 150 percent of target goal, at which</p>	<p style="text-align: right;">Page 164</p> <p>1 know, on average, the bulk of people 2 would be in that middle range of around 3 100 percent, and then kind of a normal 4 distribution curve. Everything I saw had 5 representatives around there or below. 6 I would also say that, you 7 know, in the documents I reviewed, I saw 8 that the sales of Kadian continued to 9 decline. So I wouldn't expect that there 10 were sales representatives receiving the 11 highest amount, but I don't know for sure 12 from the documents I saw. 13 Q. What types of documents are 14 you referring to when you talk about the 15 documents you saw reflecting the bonus 16 payouts? 17 A. Sure. So they were reports 18 from Tegra Analytics. There were 19 documents that they had created and 20 e-mailed, whether it was to Jennifer or 21 Natalie, or to the business -- sales 22 business directors. I saw some of those 23 reports, but not all of them. 24 Q. So those reports were sent</p>
<p style="text-align: right;">Page 163</p> <p>1 point the sales rep would receive a 2 \$50,000 payout for the year; is that 3 correct? 4 A. That's correct. 5 Q. And then there's for greater 6 than 150 percent, it indicates \$250/PT. 7 Does that mean an additional 8 \$250 for every percentage point above the 9 target percent to goal? 10 A. That's my understanding of 11 reading this. 12 Q. Do you know if, during the 13 time this agreement was in use, a sales 14 rep was -- ever received a payout of 15 \$50,000 for a bonus? 16 A. I don't know 100 percent 17 what every sales representative received. 18 I will say that I reviewed 19 some documents. And in everything I saw, 20 the representatives were nowhere near the 21 150 percent mark. 22 The way an incentive 23 compensation program is typically built 24 is that, you know, the average -- you</p>	<p style="text-align: right;">Page 165</p> <p>1 via e-mail to Jennifer Altier and 2 Nathalie Leitch? 3 A. I don't remember whether 4 they were to both or to all of them. But 5 I knew that they were recipients. I 6 believe they went to Nathalie. But there 7 was some -- some Tegra Analytics reports 8 went to a variety of different people. 9 And I have specifics in 10 the -- in this document, if we want to 11 talk about some of the Tegra Analytics 12 reports and who received those. 13 Q. There's a similar table 14 reflecting the bonuses that were 15 available to regional managers, correct? 16 A. Yes. That is a few pages 17 later in the document, yes, ending in 18 674. 19 Q. And it's titled, Table 1, 20 Kadian RBD payout versus percentage to 21 goal? 22 A. Yes. 23 Q. Were there bonuses paid out 24 to the people to whom regional business</p>

<p style="text-align: right;">Page 166</p> <p>1 directors reported based on sales of 2 Kadian? 3 A. The people to whom regional 4 business directors reported? 5 I don't believe there were, 6 but I'm not 100 percent sure. This 7 contract specifically laid out the sales 8 representatives and the regional business 9 directors who were inVentiv employees. 10 Q. And those regional business 11 directors included the people you 12 mentioned earlier, Mark Killion, Patrick 13 McClenahan and somebody Shepherd, whose 14 first name I'm forgetting? 15 A. Mike, I think. 16 Q. Mike Shepherd. 17 Did they report to 18 anybody -- let me withdraw that. 19 Concerning the management of 20 the Kadian sales force, did Killion and 21 Shepherd and McClenahan report to 22 somebody inside of inVentiv? 23 A. I believe they reported to 24 Mike Pusiteri.</p>	<p style="text-align: right;">Page 168</p> <p>1 Q. So you have no independent 2 knowledge of whether Jennifer Altier 3 received compensation based on target to 4 sales of any opioids sold? 5 A. No. We looked for a 6 personnel file to find out her 7 compensation structure, and that was not 8 available. 9 Q. What about Nathalie Leitch? 10 A. Same thing; there was not a 11 personnel file for Nathalie. 12 Q. So you're not aware, either 13 way, whether they received compensation 14 based on the number of any drug sold; is 15 that correct? 16 A. I don't have the details of 17 their compensation structure. 18 Q. What about the sales 19 representatives who sold Norco during the 20 time it was being detailed at Watson 21 Pharmaceuticals, Inc., do you have any 22 knowledge of whether there was any 23 compensation paid to them based on the 24 number of -- the amount of their Norco</p>
<p style="text-align: right;">Page 167</p> <p>1 No, I'm sorry, that was 2 Norco. Let's see if I have that 3 information, who they reported to. 4 It doesn't look like it. I 5 think they were the most senior-level 6 sales personnel, but I don't recall 100 7 percent. 8 Q. The most senior-level sales 9 personnel -- 10 A. From inVentiv. 11 Q. -- from inVentiv? 12 A. From inVentiv, yes. 13 Q. And did Jennifer Altier 14 receive a bonus based on the percentage 15 to target of Kadian sales? 16 A. I just want to check some of 17 my notes here. 18 So if you look at Topic 4 on 19 Page 2 of Exhibit-3. I gathered 20 information, tried to locate personnel 21 files. And Allergan Finance does not 22 currently have a personnel file for 23 Jennifer Altier. So there's no record of 24 whether or not she did.</p>	<p style="text-align: right;">Page 169</p> <p>1 sales? 2 A. I'm sorry, can we just go 3 back for one minute to the previous 4 question? 5 The one thing, we talked 6 about the payouts here. The one other 7 thing that's in this document that I 8 would point you to, and this is 9 Exhibit-5 -- Exhibit-5, if I can see what 10 page it's on. 11 So we talked about the 12 incentive compensation program for the 13 Kadian representatives. However, what I 14 would also point out, that they received 15 a base salary, which is on Page 30 of the 16 document, of Exhibit-5, and it was 17 \$85,000. So Page 30 in C, Exhibit-C. 18 Q. Page 30, Exhibit C. 19 What's the Bates number at 20 the bottom of the page? 21 A. 8663 is at the end. 22 Q. Okay. 23 A. So the -- you know, on 24 average, we would say that, you know, the</p>

<p style="text-align: right;">Page 170</p> <p>1 representatives received about \$85,000, 2 in terms of a base salary. 3 And then the table that we 4 had looked at talked about their bonus, 5 which if you want to say 100 percent is 6 the average, you know, that was probably 7 around \$20,000. 8 So in talking to Jennifer 9 and Nathalie, my understanding here, and 10 also if even you look at the requirements 11 for the job description here, that the 12 goal was really to get sales 13 representatives with experience. And so 14 the base salary was a larger percentage 15 of the total compensation than -- so I'd 16 say in most cases the majority of the 17 salary -- of the compensation was based 18 on salary as opposed to the incentive 19 compensation bonus plan. 20 Q. And are you making a 21 comparison between your knowledge of this 22 structure, where most of the salary 23 was -- most of the compensation was 24 salary versus structures for sales reps,</p>	<p style="text-align: right;">Page 172</p> <p>1 Q. Do you have any knowledge 2 about the compensation structure for 3 sales representatives who sold Norco at 4 the time it was being detailed? 5 A. Sure. Let me just pull up 6 the page that I have that information on. 7 So if we go to -- back in 8 Exhibit-3, and Topic 9, Page 5. 9 Since a detailed contract 10 like we had for inVentiv wasn't 11 available, what we were able to find was 12 Dirk Pica's personnel file. And he was 13 one of the regional sales managers 14 promoting Norco. And it shows that 75 15 percent of his compensation was based on 16 market share and market share change for 17 his portfolio of products, and the 18 remaining 25 percent was based on his 19 manager's assessment of performance. 20 Q. So is it correct to say that 21 that 75 percent reflects incentive 22 compensation? 23 A. Yes, that's fair. It's 24 incentive compensation for his portfolio</p>
<p style="text-align: right;">Page 171</p> <p>1 elsewhere where a greater percentage is 2 in bonuses? 3 A. It was really -- my 4 comparison was more in my discussions 5 with Jennifer and Nathalie. And I think 6 it was specifically Nathalie that said 7 that that was the goal of this incentive 8 compensation program, to have a higher 9 percentage. 10 So this is, I mean, ten 11 years ago, so I wouldn't want to compare 12 it to what we pay sales representatives 13 today. But that was -- the goal was to 14 find a -- to find experienced 15 representatives. 16 Q. And you said -- you referred 17 to higher percentage. I just want to 18 know, higher percentage in comparison to 19 what? 20 A. In her experience, into what 21 was typically -- what typically would -- 22 you see for other sales representatives. 23 That was, you know, based on her 24 recollection.</p>	<p style="text-align: right;">Page 173</p> <p>1 of products. I don't have details 2 exactly what products that was. But, 3 yes, he would have promoted Norco in 4 addition to other products. 5 Q. And what was Dirk Pica's 6 role at Watson Pharmaceuticals in 2001? 7 A. Regional sales manager. 8 Q. Did he manage other sales 9 representatives in that role? 10 A. Yes, he did manage other 11 sales representatives. 12 Q. Do you know anything about 13 the compensation structure for the sales 14 representatives who would have reported 15 up to Dirk or his peers? 16 A. No. There weren't personnel 17 files, we didn't have names of those 18 people. Like I had said earlier, there 19 just wasn't a lot of information 20 available regarding Norco, since it was 21 so long ago. 22 Q. Do you know the name of the 23 position to which Dirk Pica would have 24 reported?</p>

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1 A. No, I don't know who exactly
 2 he would have reported to.
 3 Q. And you don't know whether
 4 the person to whom he reported had a
 5 compensation structure based on -- that
 6 incorporated any incentive payment?
 7 A. No. His was really the only
 8 personnel file that we were able to
 9 locate that would have given us
 10 information about that.
 11 Q. Do you know if Watson
 12 Pharmaceuticals used incentive
 13 compensation for anyone involved in the
 14 sale of the generic opioids?
 15 A. I don't know.
 16 Q. Do you know if Actavis,
 17 prior to its acquisition by Watson
 18 Pharmaceuticals, used incentive
 19 compensation for anyone involved in the
 20 sale of generic opioids?
 21 A. So as far as the generic
 22 information, all those -- all that
 23 historical information would have -- like
 24 I had talked about earlier, would have

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1 gone with the Actavis generic companies,
 2 which went to Teva. So I don't have the
 3 details of their compensation.
 4 Q. I understand the answer may
 5 be the same, I just want to ask the
 6 question.
 7 A. Sure.
 8 Q. When Watson acquired Actavis
 9 and became Actavis, Inc., are you aware
 10 whether anyone within the organization
 11 had their compensation based in any part
 12 on incentives for the sale of generic
 13 opioids?
 14 A. I'm not aware of the
 15 compensation structure for the employees
 16 who would have been employed by the
 17 Actavis generics company. The personnel
 18 files that we have don't reflect that.
 19 They would have, I assume, gone to Teva.
 20 Q. Meaning don't reflect that,
 21 not that they don't -- it means they
 22 don't reflect compensation structure for
 23 the individuals who went to Teva; is that
 24 correct?

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1 A. We don't have personnel
 2 files for people who would have had --
 3 who would have gone to Teva.
 4 Q. And so that same answer
 5 continues from when Actavis Inc. becomes
 6 Actavis PLC; is that correct? That you
 7 don't have -- the question being whether
 8 you know whether any individuals received
 9 compensation, incentive-based
 10 compensation, due to the -- based on the
 11 number of generic opioid sales they made,
 12 or the amount of generic opioid sales
 13 they made?
 14 MS. WELCH: Objection to
 15 form.
 16 THE WITNESS: So what I
 17 do -- so I don't know specifically
 18 the compensation structure for
 19 employees that were working on the
 20 generic business.
 21 As far as in that post time
 22 period, I know that the branded
 23 business, branded Norco and
 24 Kadian, were under the portfolio

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1 that I currently manage, and my
 2 predecessor, Michael Kerderka, and
 3 I can say that I -- no percent of
 4 my compensation is based on the
 5 sale of opioids.
 6 BY MR. MELAMED:
 7 Q. What about anybody reporting
 8 to you? Is anybody -- does anybody
 9 reporting to you receive any percent of
 10 their compensation based on incentives to
 11 sell -- based on the amount of opioids,
 12 the number of opioids that is sold?
 13 A. No.
 14 Q. Do you know if your
 15 predecessor received any incentive-based
 16 compensation relating to the sale of
 17 opioids?
 18 A. I'm just going to pull up
 19 the -- what we had on file, as far as his
 20 personnel files.
 21 So my predecessor was
 22 Michael Kerderka. There was no personnel
 23 file for him. But I can pretty
 24 confidently say that he did not receive

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1 any compensation based on opioids,
2 because I assumed the responsibilities
3 for what he was doing.
4 Q. So your confidence is based
5 on your belief that you received a
6 parallel compensation structure to the
7 one he had when he left?
8 A. That's correct, yes.
9 Q. What company did Michael --
10 what was his name?
11 A. Kerderka.
12 Q. Kerderka.
13 What company employed him?
14 A. It would have been the same
15 company that employs me, which would be
16 Allergan USA, I believe.
17 Q. Who preceded Michael
18 Kerderka in the same position?
19 A. I don't -- I don't recall
20 who would have had the responsibilities
21 prior to him.
22 I don't -- I'd have to -- I
23 don't know Nathalie Leitch's full --
24 Nathalie Leitch's full tenure, so I'm not

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1 sure when she no longer had
2 responsibility for Kadian.
3 MR. MELAMED: Let's go off
4 the record.
5 VIDEO TECHNICIAN: Going off
6 the record. The time is 12:33.
7 - - -
8 (Whereupon, a luncheon
9 recess was taken.)
10 - - -
11 VIDEO TECHNICIAN: We are
12 going back on the record.
13 Beginning of Media File Number 4.
14 The time is 1:13.
15 BY MR. MELAMED:
16 Q. Who are the individuals at
17 Watson Pharmaceuticals, Incorporated,
18 prior to its merger with Actavis, who
19 were primarily responsible for
20 interacting with the U.S. Food and Drug
21 Administration concerning opioids?
22 MS. WELCH: I'll object that
23 I believe that's beyond the scope
24 of topics as agreed to, subject to

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1 our objections, which you did not
2 raise prior to today, as I'm
3 aware.
4 THE WITNESS: So I found the
5 piece of the document I was
6 looking for.
7 Can you repeat the question
8 that you had?
9 BY MR. MELAMED:
10 Q. Sure.
11 Who are the -- who were the
12 individuals at Watson Pharmaceuticals,
13 Incorporated, prior to its merger with
14 Actavis, who were primarily responsible
15 for interacting with the U.S. Food and
16 Drug Administration concerning opioids?
17 A. I'm prepared to talk about
18 the specifics who were -- who were --
19 specifically the interactions regarding
20 Kadian and generic opioids for Actavis.
21 I'm not sure of the
22 distinction with Watson prior to the
23 merger, so I don't think -- I don't think
24 I have that information.

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1 I can talk about the
2 interactions with Kadian and generics at
3 Actavis, if you'd like.
4 Q. Do you know which generics
5 at Actavis you're talking about -- you're
6 prepared to talk about?
7 A. Just in general. So I
8 talked to Terri Nataline, and she said
9 that her scope of responsibilities
10 included branded and generics at Actavis.
11 Q. Did Terri Nataline work at
12 Watson Pharmaceuticals, Incorporated,
13 before she worked at Actavis?
14 A. I don't know her employment
15 history. When I spoke to her, it was
16 regarding her time at Actavis.
17 Q. I'm just trying to
18 understand the universe of generics that
19 you spoke to Ms. Nataline about --
20 A. Right.
21 Q. -- and whether it includes
22 the entire universe of generic opioids
23 that became part of Actavis subsequent to
24 the merger, or whether it includes a

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1 subset.
 2 Can you define the subset of
 3 generic opioids that you spoke to Terri
 4 Nataline regarding?
 5 A. Not the specific products,
 6 no. I talked to her in general about her
 7 responsibilities. And she talked about
 8 Kadian and generics, but not the specific
 9 generics.
 10 Q. During what time frame did
 11 she refer to concerning the
 12 responsibilities you talked to her about?
 13 A. She didn't -- she didn't
 14 specify. I didn't ask her the specific
 15 dates that she was -- that she was
 16 employed there.
 17 Q. So you identified Terri
 18 Nataline as the primary individual who
 19 interacted with the FDA regarding Kadian
 20 and generic opioids, correct?
 21 A. Yes, correct. Without
 22 specifying the time period, but, yes.
 23 Q. Do you have a time range
 24 that you can provide that you believe --

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1 during which you believe she was the
 2 primary individual responsible for these
 3 interactions?
 4 A. I know when I spoke to her
 5 that we specifically talked about Kadian.
 6 So she was interactions with the FDA that
 7 occurred in 2010, I believe. So I know
 8 she was there in that time frame.
 9 Q. I just -- just so the record
 10 is clear, though, you don't know
 11 specifically which dates she was the
 12 primary individual responsible for
 13 interacting with the FDA concerning
 14 Kadian and generic opioids, right?
 15 A. I don't know the range of
 16 dates. I do know that she was during the
 17 2010 period that we specifically talked
 18 about.
 19 Q. And you don't know whether
 20 the generic opioids component of that
 21 responsibility reflects legacy Actavis
 22 generic opioids, legacy Watson generic
 23 opioids, or the sum total of all of those
 24 generic opioids when the companies

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1 merged; is that correct?
 2 MS. WELCH: Objection to
 3 form.
 4 THE WITNESS: She didn't
 5 specify the specifics. She said
 6 that she was at Actavis and she
 7 had responsibility for Kadian and
 8 generic opioids.
 9 BY MR. MELAMED:
 10 Q. Did she specify which
 11 generic opioids she had responsibility
 12 for at Actavis?
 13 A. She did not specify which --
 14 which ones.
 15 Q. Do you know if Watson
 16 Pharmaceuticals, Incorporated, prior to
 17 its merger with Actavis, maintained any
 18 policies and procedures for interacting
 19 with the U.S. Food and Drug
 20 Administration concerning opioids?
 21 A. Based on the investigation
 22 that we did, we have not uncovered the
 23 interaction -- the information regarding
 24 interactions with the FDA related to

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1 Norco or Watson.
 2 Q. So you don't know either way
 3 whether Watson, in fact, maintained
 4 policies and procedures for such
 5 interactions?
 6 MS. WELCH: I'm going to
 7 make another objection on the
 8 record that this is outside the
 9 scope of the topic as agreed to,
 10 based on our objections that were
 11 provided to you and were not
 12 objected to.
 13 BY MR. MELAMED:
 14 Q. Is that -- is that accurate,
 15 that you don't know either way whether
 16 Watson had policies and procedures for
 17 those interactions?
 18 A. I don't know what Watson had
 19 in place. I am prepared to talk about
 20 Actavis subsequent to that.
 21 Q. Do you know the identity of
 22 the individuals at Watson
 23 Pharmaceuticals, Inc., prior to the
 24 merger, who were primarily responsible

<p style="text-align: right;">Page 186</p> <p>1 for interacting with the U.S. Department 2 of Justice concerning opioids? 3 MS. WELCH: Same objection, 4 that it goes beyond the scope of 5 the topic as narrowed by our 6 objections, with your agreement. 7 THE WITNESS: I'm not aware 8 of who they -- those people are. 9 I am aware of who interacted 10 with the FDA regarding Kadian and 11 generic. And that was, as I 12 mentioned, Terri Nataline. 13 BY MR. MELAMED: 14 Q. Do you have any information 15 about any individuals at Watson 16 Pharmaceuticals, prior to the merger, who 17 had responsibility for interacting with 18 any federal or state agencies concerning 19 opioids? 20 MS. WELCH: Same objection. 21 THE WITNESS: I don't. I 22 think I've already answered what 23 information I do have. 24 BY MR. MELAMED:</p>	<p style="text-align: right;">Page 188</p> <p>1 concerning Kadian and some subset of -- 2 some set of generic opioids? 3 MS. WELCH: Objection to 4 form. 5 THE WITNESS: I don't know. 6 My understanding was that she 7 was -- we talked about her 8 interactions with the FDA. I'm 9 not sure of her scope of 10 responsibilities beyond that. 11 BY MR. MELAMED: 12 Q. Who was the person at 13 Actavis primarily responsible for 14 interacting with the DOJ concerning 15 Kadian? 16 A. I don't have information on 17 that. My understanding was, you know, I 18 prepared to talk about who was 19 responsible with the interaction with the 20 FDA, and that was Terri Nataline. 21 MS. WELCH: And I'll make 22 the same objection for the record 23 that these questions go beyond the 24 scope of the topics as narrowed by</p>
<p style="text-align: right;">Page 187</p> <p>1 Q. At the time Terri Nataline 2 was the individual primarily responsible 3 for interacting with the FDA concerning 4 Kadian and some generic opioids, what was 5 her title? 6 A. I don't have her specific 7 title in front of me. 8 Q. What was her general job 9 description? 10 A. She was in charge of the 11 regulatory function. 12 Q. For what company did she 13 work? 14 A. I don't know the legal 15 entity. My understanding is Actavis, 16 Actavis Inc., was where she was employed. 17 But, like I said, I don't 18 know the details of the corporate 19 structure to be 100 percent sure that 20 that was the official title of the 21 company she was employed by. 22 Q. Was Terri Nataline also the 23 person responsible for interacting with 24 the United States Department of Justice</p>	<p style="text-align: right;">Page 189</p> <p>1 our objections to which you didn't 2 raise any objection at the time. 3 BY MR. MELAMED: 4 Q. Who was the person -- is the 5 answer the same concerning the person who 6 was primarily responsible for interacting 7 with the DOJ concerning Actavis generic 8 opioids; that you don't know because you 9 didn't prepare to answer that question? 10 MS. WELCH: Same objections. 11 THE WITNESS: Yes, that 12 is -- that is correct. I was 13 prepared to talk about the 14 interactions with the FDA, which 15 was Terri Nataline. 16 BY MR. MELAMED: 17 Q. When did Terri Nataline stop 18 working for whatever Actavis -- leave the 19 Actavis universe? 20 A. I don't know. You know, the 21 main discussion that we had was what her 22 responsibilities were, in terms of being 23 in charge with the FDA interaction. We 24 didn't talk about the specific time frame</p>

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1 that she left the company.
 2 Q. Do you know whether she was
 3 the primary person responsible for
 4 interacting with the FDA concerning
 5 Kadian after the merger between Watson
 6 Pharmaceuticals and Actavis Group?
 7 MS. WELCH: Objection to
 8 form.
 9 THE WITNESS: Like I said, I
 10 don't know the specific time
 11 period and which entity she was
 12 employed by. What we talked about
 13 was her interaction with the FDA
 14 regarding Kadian and the generic
 15 opioids, but not the specific
 16 length of her tenure at the
 17 company.
 18 BY MR. MELAMED:
 19 Q. Do you know who the primary
 20 person responsible, or persons
 21 responsible, for interacting with the FDA
 22 at -- within the Actavis PLC corporate
 23 entity concerning opioids was?
 24 MS. WELCH: Same objections.

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1 And objection to form.
 2 THE WITNESS: And we're
 3 getting into the details of the
 4 corporate structure, which I'm not
 5 prepared to answer.
 6 BY MR. MELAMED:
 7 Q. I just want to be clear.
 8 I'm not trying to get into details of
 9 corporate structure.
 10 I want to know throughout
 11 time -- this company has existed and sold
 12 opioids, either through its predecessors
 13 or sub -- you know, subsidiaries for
 14 greater than 20 years. And I'm trying to
 15 figure out who was primarily responsible
 16 for interacting with the FDA throughout
 17 that time period.
 18 So you can feel free to
 19 provide me a narrative response on that,
 20 starting in '97 going through to today.
 21 MS. WELCH: Objection to
 22 form. Same objections with
 23 respect to the scope of objections
 24 that were not raised.

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1 THE WITNESS: So, yeah, that
 2 was a pretty broad topic. I would
 3 say that, you know, I talked to
 4 Terri, and I know she was
 5 responsible for interaction with
 6 the FDA during a period of time.
 7 I don't know that specific period
 8 of time.
 9 And I don't know if you plan
 10 to talk to her. But she probably
 11 could give that specific
 12 information about when she was
 13 employed.
 14 BY MR. MELAMED:
 15 Q. Do you know any individuals
 16 who had the primary responsibility for
 17 talking to the DOJ from 1997 to present
 18 for any one of the predecessors,
 19 subsidiaries of Actavis, or successors?
 20 A. I don't. And I wasn't
 21 prepared, based on the topics listed here
 22 in Topic 10, to discuss that.
 23 Q. You see that Topic 10 lists
 24 the U.S. Department of Justice, correct?

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1 A. If you look at -- I'm sorry,
 2 I'm in Exhibit-3, Page 6.
 3 If you look in the column
 4 called Objections, and the final
 5 paragraph there. So my understanding was
 6 I was designated to talk about the
 7 interactions with the FDA.
 8 Q. Okay. So you see that the
 9 topic includes it, but that the
 10 objections said that -- your
 11 understanding of the objections is you
 12 need not prepare to testify on the DOJ;
 13 is that correct?
 14 A. My understanding is that
 15 this paragraph here describes what I was
 16 preparing to discuss.
 17 Q. And by "this paragraph
 18 here," you're talking about the second
 19 paragraph for -- on Page 6 of Exhibit-3
 20 under the objections column?
 21 A. Yes.
 22 Q. In the response column, you
 23 state that, Allergan Finance's current
 24 written policy regarding communications

<p style="text-align: right;">Page 194</p> <p>1 with regulatory agencies including the 2 FDA can be found at 3 Allergan_MDL_03367352. 4 Do you see that? 5 A. Yes. 6 Q. Is the current policy 7 different in any way from the -- from the 8 written policies that preceded it? 9 A. I don't have a history -- 10 MS. WELCH: And same 11 objection. That's beyond the 12 scope of the topic as narrowed by 13 objections that you didn't object 14 to. 15 THE WITNESS: So I'm not 16 sure what the progression of 17 policy is. These policies 18 typically get revised -- get 19 revised on an as-needed basis. So 20 I would assume there are multiple 21 versions of them. 22 This is the one that I 23 reviewed, which is our -- the 24 current policy.</p>	<p style="text-align: right;">Page 196</p> <p>1 investigation? 2 MS. WELCH: I'm going to 3 object to form. And I'm going to 4 object specifically to counsel's 5 instructions about what corporate 6 entities the witness is testifying 7 on behalf of. I suspect that is 8 not the language you meant to use. 9 But she is testifying on 10 behalf of Allergan Finance, LLC. 11 MR. MELAMED: Understood. 12 Let me rephrase the question. 13 BY MR. MELAMED: 14 Q. Can you list all formal 15 investigations conducted by federal law 16 enforcement authorities concerning 17 opioids at Watson Pharmaceuticals, Inc. 18 starting in 1997? 19 MS. WELCH: Objection that 20 that is beyond the scope of the 21 topics as narrowed by objections 22 to which plaintiffs didn't raise, 23 in advance of the deposition, any 24 objection to.</p>
<p style="text-align: right;">Page 195</p> <p>1 BY MR. MELAMED: 2 Q. Do you know if that current 3 policy also concerns communications with 4 the DOJ? 5 MS. WELCH: Same objections. 6 THE WITNESS: I don't 7 recall. If you have that 8 document, I'm happy to take a look 9 at it. 10 BY MR. MELAMED: 11 Q. Can you list all the formal 12 investigations conducted by federal law 13 enforcement authorities concerning 14 opioids between the years of 1997 and the 15 present? 16 And I will -- I will -- for 17 that question, I will give you a name of 18 a corporate entity I'd like you to 19 testify on behalf of. 20 So all formal investigations 21 conducted by law enforcement authorities 22 concerning opioids between the years of 23 1997 and the present where Watson 24 Pharmaceuticals, Inc. was subject to the</p>	<p style="text-align: right;">Page 197</p> <p>1 THE WITNESS: So if you turn 2 to Page 13 in Exhibit-3, Topic 27, 3 what I'm prepared to talk about 4 are the government investigations 5 regarding Kadian and Norco to 6 which Allergan Finance is aware. 7 And if you see here in the 8 response column, there's a list of 9 the entities who have issued 10 subpoenas about information about 11 the marketing or sale of opioids. 12 There's a list of them right 13 there. 14 I don't know if you want me 15 to read through them. 16 BY MR. MELAMED: 17 Q. No. That's okay. 18 The list says that, The 19 following entities have issued subpoenas 20 to Allergan Finance seeking information. 21 My question is whether, 22 starting in 1997 and continuing through 23 until it ceased to exist as a named 24 entity, Watson Pharmaceuticals, Inc.</p>

<p style="text-align: right;">Page 198</p> <p>1 received subpoenas for any information 2 regarding the marketing or sale of 3 opioids? 4 MS. WELCH: Same objections. 5 THE WITNESS: The paragraph 6 starting on the bottom of Page 13 7 in the objections column, starting 8 with Subject 2, that describes 9 what I'm prepared to talk about. 10 BY MR. MELAMED: 11 Q. So is it accurate to say 12 you're not prepared to talk about any 13 subpoenas issued to Watson 14 Pharmaceuticals, Inc., concerning seeking 15 information regarding the marketing or 16 sale of opioids? 17 A. I'm prepared to talk about 18 the subpoenas to Allergan Finance seeking 19 information about the marketing or sale 20 of opioids. 21 Q. So is it accurate to say 22 that you're not prepared to talk about 23 subpoenas issued to Watson 24 Pharmaceuticals, Inc. regarding the</p>	<p style="text-align: right;">Page 200</p> <p>1 entities have exhibited -- I'm sorry. 2 The following entities have issued 3 subpoenas to Allergan Finance seeking 4 information regarding the marketing or 5 sale of opioids. 6 Do you see that? 7 A. Yes. 8 Q. Are you prepared to talk 9 about subpoenas issued to any other 10 entity seeking information regarding the 11 marketing or sale of opioids? 12 MS. WELCH: Same objections. 13 THE WITNESS: These are the 14 ones that I know of. These are 15 the -- this is what I know of. 16 As far as, you know, if 17 there were ones that were outside 18 of the list here, I have not seen 19 them and am not aware of them. 20 BY MR. MELAMED: 21 Q. Did you make any effort to 22 determine whether subpoenas had been 23 issued to any entity other than Allergan 24 Finance seeking information regarding</p>
<p style="text-align: right;">Page 199</p> <p>1 marketing or sales of opioids? 2 MS. WELCH: Same objections. 3 THE WITNESS: No, I'm 4 prepared to talk about 5 investigations regarding Kadian 6 and Norco in terms of 7 investigations and the ones listed 8 here in this topic. 9 BY MR. MELAMED: 10 Q. I just want to clarify the 11 "no" at the beginning of the answer. 12 You said "no, I'm 13 prepared" -- was the answer "no" the 14 answer to the question I asked? What was 15 the "no" in reference to? 16 A. The "no" is I'm not prepared 17 to talk to -- about anything outside of 18 this, which, I think, what you're 19 referring to is outside of that topic. 20 If I'm understanding your question 21 correctly. 22 Q. Okay. The preface to the 23 first paragraph of the response on Page 24 13 of Exhibit-3 is, The following</p>	<p style="text-align: right;">Page 201</p> <p>1 marketing or sale of opioids? 2 A. Regarding Kadian and -- 3 Kadian and Norco, this was -- these were 4 related -- I made an effort to find out 5 anything related to Kadian and Norco, and 6 this is the list that I was able to come 7 up with. 8 Q. So Norco was, for many years 9 before Actavis merged with Watson, sold 10 by Watson, correct? 11 A. Sorry, say that again. 12 Q. For many years before -- 13 A. Yes. 14 Q. -- the merger between Watson 15 and Actavis, Norco was sold by Watson, 16 correct? 17 A. Norco was sold by Watson, 18 correct. 19 Q. Did you make any effort to 20 determine whether Watson received any 21 subpoenas seeking information regarding 22 the marketing or sale of Norco? 23 A. What I looked for was 24 anything related to Norco for which</p>

<p style="text-align: right;">Page 202</p> <p>1 Allergan Finance has record of. And 2 that's what I was able to locate. 3 If there were things that 4 were part of that company that were not 5 then transferred over, if you will, to 6 Actavis or Allergan, I'm not aware of 7 those. 8 Q. Do you know whether 9 information -- I'm trying to think of how 10 best to phrase this. 11 Does Allergan Finance have 12 records from Watson Pharmaceuticals, 13 Incorporated, as a general matter? 14 MS. WELCH: Objection to 15 form. And beyond the scope of the 16 topics identified. 17 THE WITNESS: I would assume 18 during a merger that there were 19 exchanges of records. I don't 20 know where they are right now. I 21 don't know which ones then 22 eventually went to Teva. 23 There's a series of mergers 24 and acquisitions, and I think it</p>	<p style="text-align: right;">Page 204</p> <p>1 A. The ones that I'm aware of 2 are listed here in the response of Topic 3 27 on Page 13. 4 Q. In the first paragraph of 5 that response? 6 A. Yes. To the ones that were 7 subpoenas to Allergan Finance, those are 8 the ones that I'm aware of. 9 Q. And each of those subpoenas 10 was directed at Allergan Finance? 11 A. Allergan Finance, yes. 12 Q. And you don't know whether 13 any subpoenas were issued to Watson 14 Pharmaceuticals, Incorporated concerning 15 the marketing or sale of opioids; is that 16 correct? 17 MS. WELCH: Same objection. 18 THE WITNESS: I don't know 19 of any. 20 BY MR. MELAMED: 21 Q. Actavis acquired branded 22 Kadian from Alpharma at the end of 2008, 23 right? 24 A. Actavis acquired Kadian from</p>
<p style="text-align: right;">Page 203</p> <p>1 would be difficult for me to 2 determine the entire -- it really 3 goes back to the entire corporate 4 structure and how these entities 5 came together. 6 BY MR. MELAMED: 7 Q. So as you sit here today, 8 you don't know whether Watson 9 Pharmaceuticals received subpoenas 10 seeking information regarding the 11 marketing or sale of opioids; is that 12 correct? 13 MS. WELCH: Objection to 14 form. 15 THE WITNESS: You're talking 16 about prior to 2012, when Watson 17 Pharmaceuticals existed? You're 18 saying do I know whether they had 19 received subpoenas? Is that what 20 you're asking? 21 BY MR. MELAMED: 22 Q. Yes. Specifically 23 concerning the marketing or sale of 24 opioids.</p>	<p style="text-align: right;">Page 205</p> <p>1 Alpharma, yes, that's correct. 2 Q. Around the end of 2008? 3 A. Yes. 4 Q. Upon completion of the 5 acquisition, did Actavis make use of 6 training materials created by Alpharma to 7 train sales representatives to market 8 Kadian? 9 MS. WELCH: Objection to 10 form. 11 THE WITNESS: So when 12 Actavis acquired Kadian from 13 Alpharma, and in talking to the 14 people I mentioned I've talked to, 15 there were questions about whether 16 or not they were going to promote 17 the product, have a sales force. 18 And Kadian was nearing the 19 end of its lifecycle, in terms of 20 patents. And so there were 21 questions about what would be done 22 with Kadian. 23 My understanding is that 24 then there was a decision,</p>

<p style="text-align: right;">Page 206</p> <p>1 eventually, to hire a small sales 2 force to promote Kadian. And 3 Terri Nataline, you know, received 4 some of the materials, which 5 included promotional materials and 6 training from Alpharma, reviewed 7 those materials, made some minor 8 changes, and then those were used 9 by the sales force subsequently. 10 BY MR. MELAMED: 11 Q. What kind of minor changes 12 did she make? 13 A. I believe there were changes 14 to, you know, the footnote that usually 15 has the company that is responsible -- or 16 putting out the materials and so, you 17 know, changes to footnotes. 18 I don't know the scope of 19 all the changes, but that's one example. 20 Q. Any other changes that you 21 can think of? 22 A. I don't recall. 23 Q. Alpharma agreed to pay \$42 24 and-a-half million, in 2010, to resolve</p>	<p style="text-align: right;">Page 208</p> <p>1 you're talking about, what 2 materials you're talking about? 3 BY MR. MELAMED: 4 Q. Sure. 5 So 2010, there's a 6 settlement agreement between Alpharma and 7 the Department of Justice. The 8 allegations that were settled concern 9 misrepresentations about the safety and 10 efficacy of Kadian. 11 Did Actavis -- did anybody 12 at Actavis change any of the training 13 materials used to train sales reps to 14 sell Kadian, based on knowledge of that 15 settlement? 16 MS. WELCH: Same objections. 17 THE WITNESS: Can you 18 provide me with information that 19 you're talking about? Like, is 20 there a document that summarizes 21 what the claims -- I'm just not 22 sure I'm following what you're -- 23 BY MR. MELAMED: 24 Q. Are you aware -- you're</p>
<p style="text-align: right;">Page 207</p> <p>1 false claims allegations in connection 2 with the marketing of Kadian. 3 Was the company aware of 4 those allegations at the time it acquired 5 Kadian? 6 A. I don't know. 7 MS. WELCH: And I'll object 8 that I believe that's outside the 9 scope of the referenced topics. 10 BY MR. MELAMED: 11 Q. In the wake of that 12 settlement that I just referred to, the 13 2010 False Claims Act settlement between 14 Alpharma and the Department of Justice, 15 did Actavis do anything to modify the 16 marketing materials it used to market 17 Kadian? 18 MS. WELCH: Objection to 19 form. And objection to the extent 20 it's outside of the scope of the 21 referenced topics. 22 THE WITNESS: Can you talk a 23 little bit more -- clarify the 24 question in terms of what timing</p>	<p style="text-align: right;">Page 209</p> <p>1 designated to testify, in part, about the 2 marketing -- 3 A. Yes. 4 Q. -- that the company did, 5 correct? 6 A. Yes. And I'm prepared to do 7 that. 8 Q. Did the company change any 9 of its marketing in 2010 as a result of 10 the settlement between Alpharma and the 11 DOJ concerning the manner in which Kadian 12 had been marketed? 13 MS. WELCH: Objection to 14 form. Objection to the extent the 15 topic is outside of the referenced 16 topics that the witness has been 17 prepared to testify on. 18 THE WITNESS: So what I'm 19 prepared to talk about is an FDA 20 warning letter that Actavis 21 received in February of 2010 and 22 the reaction -- and the result of 23 that. 24 Is that what you -- would</p>

<p style="text-align: right;">Page 210</p> <p>1 you like me to talk about that?</p> <p>2 That's what I'm prepared to talk</p> <p>3 about.</p> <p>4 BY MR. MELAMED:</p> <p>5 Q. I would like you to talk</p> <p>6 about that, that's not what I'm asking</p> <p>7 about now, though.</p> <p>8 A. Right.</p> <p>9 Q. What I'm asking about now is</p> <p>10 the Alpharma settlement with the DOJ</p> <p>11 concerning marketing material --</p> <p>12 marketing -- sorry.</p> <p>13 What I'm talking about now</p> <p>14 is the Alpharma settlement with the DOJ</p> <p>15 concerning allegations of</p> <p>16 misrepresentations about the safety and</p> <p>17 efficacy of Kadian.</p> <p>18 A. And when was that</p> <p>19 settlement? What was the date?</p> <p>20 Q. Are you aware of when that</p> <p>21 settlement occurred?</p> <p>22 MS. WELCH: Objection.</p> <p>23 Outside the scope of the</p> <p>24 referenced topics.</p>	<p style="text-align: right;">Page 212</p> <p>1 MS. WELCH: Objection.</p> <p>2 Outside of the scope of the</p> <p>3 referenced topics. Objection.</p> <p>4 THE WITNESS: I don't know.</p> <p>5 I wasn't prepared to talk about --</p> <p>6 to talk about that. I haven't had</p> <p>7 any conversations about that.</p> <p>8 However, like I said, in</p> <p>9 2010 there was a very</p> <p>10 comprehensive effort to revise</p> <p>11 materials, which I believe</p> <p>12 Jennifer talked about in her</p> <p>13 deposition, about how she was</p> <p>14 brought on to revise those</p> <p>15 marketing materials. And I'm</p> <p>16 prepared to talk about that</p> <p>17 effort, which was in 2010.</p> <p>18 BY MR. MELAMED:</p> <p>19 Q. And you're referring to a</p> <p>20 warning letter received from the FDA's</p> <p>21 DDMAC division in February of 2010,</p> <p>22 correct?</p> <p>23 A. That's correct.</p> <p>24 Q. And in response to the</p>
<p style="text-align: right;">Page 211</p> <p>1 THE WITNESS: No. I'm</p> <p>2 asking you the date of that</p> <p>3 settlement.</p> <p>4 BY MR. MELAMED:</p> <p>5 Q. Do you recall any</p> <p>6 conversation within Actavis concerning</p> <p>7 the allegations in that False Claims Act</p> <p>8 case?</p> <p>9 MS. WELCH: Outside of the</p> <p>10 scope of the referenced topics.</p> <p>11 Objection.</p> <p>12 THE WITNESS: I haven't had</p> <p>13 any conversations about that.</p> <p>14 But what I do know is there</p> <p>15 were changes made to the marketing</p> <p>16 as a result of the FDA warning</p> <p>17 letter in 2010.</p> <p>18 BY MR. MELAMED:</p> <p>19 Q. Do you know if Actavis was</p> <p>20 aware of the allegations concerning</p> <p>21 misrepresentations employed -- alleged</p> <p>22 misrepresentations by Alpharma about the</p> <p>23 safety and efficacy of Kadian at the time</p> <p>24 Actavis acquired Kadian?</p>	<p style="text-align: right;">Page 213</p> <p>1 letter, you write, in Exhibit-3, Page 14,</p> <p>2 that, Actavis immediately ceased</p> <p>3 distributing the materials identified in</p> <p>4 the warning letter and other materials --</p> <p>5 any other materials identified as</p> <p>6 containing similar language and requested</p> <p>7 the sales force return the pieces</p> <p>8 identified in the letter to the warehouse</p> <p>9 for destruction. And that Actavis</p> <p>10 replace the website with an under</p> <p>11 construction message.</p> <p>12 Is that accurate?</p> <p>13 A. That's correct. My</p> <p>14 understanding, from talking to Jennifer</p> <p>15 and Terri, that once they received the</p> <p>16 warning letter, the -- they quickly</p> <p>17 responded by ceasing using those</p> <p>18 materials, as well as the others that</p> <p>19 contained some more language, and started</p> <p>20 revising the materials as they were</p> <p>21 corresponding back and forth with the</p> <p>22 FDA.</p> <p>23 Q. What was the language at</p> <p>24 issue in the letter?</p>

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1 MS. WELCH: Objection to
2 form.
3 MR. MELAMED: I'll withdraw
4 that.
5 BY MR. MELAMED:
6 Q. What was the language -- you
7 just spoke about language, specific
8 language.
9 A. Yes.
10 Q. What was the language
11 identified by the warning letter that
12 Actavis received on February 18th, 2010?
13 MS. WELCH: Objection to
14 form.
15 THE WITNESS: I don't have
16 the warning letter memorized. I'm
17 happy, if you want to pull it up,
18 we can talk about the specific
19 components. But I don't have the
20 letter memorized.
21 BY MR. MELAMED:
22 Q. Do you remember the subject
23 matter of the language? What it was --
24 what the misrepresentations concerned?

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1 A. There were -- there were
2 several pages to that letter, and I don't
3 want to misspeak. So I'd prefer to have
4 the letter in front of me if I'm going to
5 quote anything from there.
6 Q. Without quoting it, do you
7 recall what it concerned? What was said
8 about Kadian that the DDMAC warning
9 letter identified as problematic?
10 MS. WELCH: Objection to
11 form.
12 THE WITNESS: Again, I don't
13 want to summarize and, you know,
14 misquote the document. So I'd
15 prefer to have it in front of me
16 if we're going to talk specifics
17 about the contents of the warning
18 letter.
19 BY MR. MELAMED:
20 Q. Other than the response
21 listed on Pages -- on Page 14 of
22 Exhibit-3, did Actavis do anything else
23 once it received the warning letter?
24 MS. WELCH: Objection to

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1 form.
2 MR. MELAMED: Let me
3 specify.
4 BY MR. MELAMED:
5 Q. I don't mean anything else
6 in the world.
7 I mean anything else
8 regarding its marketing of Kadian.
9 MS. WELCH: Objection.
10 Form.
11 THE WITNESS: So, I mean, I
12 think it's worth walking through
13 this.
14 So there were a series of
15 communications. First Actavis
16 responded back to the FDA
17 acknowledging receipt of the
18 warning letter. And then for the
19 next several months there was
20 communication back and forth
21 between Actavis and the FDA,
22 laying out a corrective action
23 plan.
24 And, you know, initially,

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1 earlier in this conversation, I
2 had identified, you know, they
3 specifically pulled all the pieces
4 and revised any materials -- I
5 mean, and also identified any
6 other materials containing similar
7 language that they pulled from
8 promotion.
9 And then committed, with the
10 FDA, to retraining the sales force
11 with corrective information,
12 sending Dear Healthcare
13 Professional letters to
14 prescribers who receive
15 promotional materials or sales
16 calls containing that language
17 that was referenced in the warning
18 letter, sending Dear Consumer
19 letters to patients who would have
20 received co-pay cards who were
21 either identified by having
22 registered via the website or
23 phone, and then also hiring a
24 sales force to distribute Dear

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1 Consumer letters to prescribers'
2 offices.
3 So they had to hire, I
4 believe it was around 150
5 temporary sales representatives to
6 just distribute the information to
7 those doctors' offices.
8 So it was a pretty extensive
9 and comprehensive plan that the
10 FDA then did agree with -- that
11 they were satisfied with.
12 BY MR. MELAMED:
13 Q. Did Actavis do anything else
14 in response to the letter, other than
15 what's listed?
16 A. These were the core
17 components. "Anything else" is a pretty
18 broad term.
19 I mean, there was -- I don't
20 know if I mentioned training -- we did
21 retrain the sales force. So, I mean,
22 these are pretty broad things.
23 This is what I gathered from
24 all of the communications and information

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1 that I received.
2 Q. How did Actavis retrain the
3 training force?
4 A. Retrain the sales force?
5 Q. Thank you for clarifying my
6 ill-framed -- my improper question, my
7 incorrect question.
8 A. So there were sales training
9 decks that were created to specifically
10 lay out what the FDA's concerns were and
11 what the sales representatives should do,
12 what their messaging should contain, what
13 they should say.
14 I mean, it's all laid out in
15 the training documents that I believe are
16 part of the documents that are listed
17 here.
18 And they -- I don't remember
19 the date of the meeting, but they had a
20 meeting with all of the sales
21 representatives to walk them through that
22 presentation and make sure that they were
23 all clear on what they were supposed to
24 do.

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1 Q. Are you familiar with the
2 Kadian learning system, which is also
3 sometimes called, internally, the Kadian
4 training module?
5 A. I've seen some drafts, some
6 versions of that, yes.
7 Q. When -- did you see that in
8 preparation for today's testimony?
9 A. Yes.
10 Q. Did they make any changes --
11 let me withdraw that.
12 Did anyone at Actavis make
13 any changes to the Kadian learning system
14 in response to the DDMAC letter?
15 A. Yes. My understanding is
16 that the -- that training was revised.
17 And there was also a separate training
18 deck that was created to train the sales
19 force specifically on the items that they
20 had committed to with the FDA.
21 Q. How quickly was that
22 training module revised? About what date
23 was the revised training module --
24 training module made available?

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1 A. I don't remember the exact
2 date. I'd have to -- I'd have to see it.
3 But I know there was back-and-forth with
4 the FDA for a couple of months and the --
5 you know, the documents are reviewed. I
6 believe, all of the actions that the
7 sales force was hired to -- the
8 corrective actions that were laid out
9 that they were hired to do was completed
10 in the September time frame, is what I
11 recall.
12 Q. Was the Kadian learning
13 system provided to the FDA as part of the
14 back-and-forth in response to the warning
15 letter?
16 A. I don't believe that was --
17 that was provided to the FDA. I don't
18 remember seeing that go back and forth.
19 Q. You don't remember or --
20 A. I don't believe it was part
21 of what was sent to the FDA, as is -- I
22 don't believe they requested it. I think
23 what they wanted to review were the
24 documents that were going to go out to

<p style="text-align: right;">Page 222</p> <p>1 consumers as well as healthcare 2 professionals. 3 Q. Do you know whether Actavis, 4 Incorporated received any subpoena 5 seeking information regarding the 6 marketing or sales of opioids? 7 A. I'm just going back to my 8 notes on that section. 9 Q. I believe it's on Page 13 -- 10 A. Yes, Page 13. 11 Q. -- of Exhibit-3. 12 A. So you're talking about 13 Actavis, Inc.? 14 Q. Yes. 15 A. So all the ones listed here 16 went to Allergan Finance. So I'm not 17 aware of any that went to Actavis, Inc. 18 Q. Are you -- is that the same 19 answer for Actavis PLC? Are you aware of 20 any subpoenas to Actavis PLC seeking 21 information regarding the marketing or 22 sale of opioids? 23 A. Now we're just getting, 24 again, into the corporate structure and</p>	<p style="text-align: right;">Page 224</p> <p>1 Q. Do you know if they provided 2 any documents to any of those entities -- 3 if Allergan -- I'm sorry, let me withdraw 4 that. 5 Do you know if Allergan 6 Finance has provided any documents to any 7 of the entities listed in that paragraph 8 in response to the subpoenas those 9 entities issued? 10 A. I assume they have. I don't 11 know. 12 Q. And your answer may be the 13 same. 14 Do you know whether the 15 documents provided to each of those 16 entities have been provided to plaintiffs 17 in this litigation? 18 MS. WELCH: Objection. 19 Beyond the scope of the notice 20 topics. 21 THE WITNESS: Yes, I don't 22 know all the files that were 23 produced. 24 BY MR. MELAMED:</p>
<p style="text-align: right;">Page 223</p> <p>1 the designation between Allergan Finance 2 versus Allergan -- Allergan PLC. 3 So, I mean, the way that I 4 understand it is that these subpoenas 5 were issued to Allergan Finance. And how 6 that interacts with Allergan PLC I'm not 7 100 percent sure. 8 Q. I believe I asked about 9 Actavis PLC. 10 A. I'm sorry. 11 Q. I would -- I'm going to ask 12 the same question about Allergan PLC. 13 Is the answer the same? 14 A. The answer is the same. 15 Q. Has Allergan Finance 16 produced documents in response to the 17 subpoenas listed on Page 13 of Exhibit-3? 18 The first paragraph of your response to 19 Topic 27. 20 A. If you look at the last 21 sentence there, I have written, Allergan 22 Finance has not entered into any 23 settlements, agreements, consent decrees 24 related to these subpoenas.</p>	<p style="text-align: right;">Page 225</p> <p>1 Q. Turn to Page 16, Topic 30 of 2 Exhibit-3. 3 I just wanted to ask 4 specifically whether you are aware of any 5 representation -- any of the 6 representations -- there are eight 7 listed, A through H, in the topics. 8 Do you see that? 9 A. I see that. 10 Q. Are you aware whether any of 11 those representations were made to 12 promote Kadian? 13 A. In all the review that I 14 did, I did not see these statements in 15 any of the marketing materials. And when 16 I reviewed the marketing materials, 17 everything in my discussions with 18 Jennifer, everything was based on the PI. 19 I think she called it a colorful PI that 20 they essentially created. And everything 21 was, in the marketing materials that she 22 created, were in the scientific research. 23 And I didn't see any of these specific 24 statements in A through H in the</p>

<p style="text-align: right;">Page 226</p> <p>1 materials that I reviewed.</p> <p>2 Q. When did Jennifer join the</p> <p>3 company, do you know?</p> <p>4 A. Jennifer joined the company</p> <p>5 in 2009, I believe.</p> <p>6 Q. Do you know whether any of</p> <p>7 these representations were made to</p> <p>8 promote Kadian before 2009?</p> <p>9 A. In the materials that I</p> <p>10 reviewed, I did not see these statements</p> <p>11 in the marketing promotional materials.</p> <p>12 Q. What about materials used to</p> <p>13 promote opioids generally? Were any of</p> <p>14 these statements used in any materials</p> <p>15 used to promote opioids generally?</p> <p>16 MS. WELCH: Objection.</p> <p>17 Form.</p> <p>18 THE WITNESS: I don't think</p> <p>19 the company did any general opioid</p> <p>20 marketing. The marketing was</p> <p>21 specifically related to Kadian.</p> <p>22 So I have not seen any</p> <p>23 materials on that.</p> <p>24 BY MR. MELAMED:</p>	<p style="text-align: right;">Page 228</p> <p>1 withdrawal can be avoided by tapering in</p> <p>2 training materials provided to sales</p> <p>3 representatives?</p> <p>4 A. I didn't see that specific</p> <p>5 statement, no.</p> <p>6 Q. Do you know of any basis for</p> <p>7 that statement as you sit here today?</p> <p>8 A. Do I know a basis for -- I</p> <p>9 mean, I'm not -- certainly not an expert</p> <p>10 in opioids. So from my capacity, I can't</p> <p>11 really make a statement on that.</p> <p>12 Q. You've referred several</p> <p>13 times to not having seen these specific</p> <p>14 statements. And, again, by "these</p> <p>15 specific statements," I'm talking about</p> <p>16 the listed statements on Topic 30, which</p> <p>17 are reprinted on Exhibit-3, Page 16.</p> <p>18 Have you seen statements to</p> <p>19 the same effect as any of the statements</p> <p>20 listed there?</p> <p>21 MS. WELCH: Objection to</p> <p>22 form.</p> <p>23 THE WITNESS: I think that</p> <p>24 would, you know, call for me to</p>
<p style="text-align: right;">Page 227</p> <p>1 Q. Were any of these</p> <p>2 representations made in the process of</p> <p>3 training sales reps to market Kadian?</p> <p>4 A. I didn't see any of these</p> <p>5 specific statements in there.</p> <p>6 So the one -- the one</p> <p>7 distinction I would make between sales</p> <p>8 training materials and marketing</p> <p>9 materials is sales training information</p> <p>10 typically contained definitions,</p> <p>11 information, background for sales</p> <p>12 representatives so they can go into a</p> <p>13 physician's office, just prepared,</p> <p>14 understanding lingo that people use</p> <p>15 and -- but it's very clear what</p> <p>16 representatives -- what is training and</p> <p>17 background information versus what they</p> <p>18 can say in their promotional marketing</p> <p>19 materials.</p> <p>20 That said, I didn't see any</p> <p>21 of these specific statements in there</p> <p>22 either.</p> <p>23 Q. So you didn't see any</p> <p>24 statements concerning tapering -- opioid</p>	<p style="text-align: right;">Page 229</p> <p>1 make a judgment on what something</p> <p>2 means versus what it's -- you</p> <p>3 know, what it says versus what</p> <p>4 it's intended to say.</p> <p>5 I haven't seen anything</p> <p>6 that, in my review, in my</p> <p>7 understanding, says something</p> <p>8 similar to this.</p> <p>9 I did include in here some</p> <p>10 statements in -- on Page 16, Topic</p> <p>11 30, in the response column, with</p> <p>12 information related to guidelines</p> <p>13 for treating chronic pain, dosing</p> <p>14 flexibility, were some examples of</p> <p>15 some statements regarding whether</p> <p>16 it's dosing or treating chronic</p> <p>17 pain.</p> <p>18 For example, the World</p> <p>19 Health Organization guidelines</p> <p>20 recommend treating chronic pain</p> <p>21 with a long-acting opioid, Kadian</p> <p>22 contains morphine sulfate, an</p> <p>23 opioid agonist, and a Schedule II</p> <p>24 controlled substance with an abuse</p>

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1 liability similar to other opioid
2 analgesics, and flexibility to
3 dose Q12 hours or Q24 hours.
4 So those are the statements
5 that I identified that were along
6 the topics of whether it's dosing
7 or treating chronic pain, the more
8 general statements.
9 BY MR. MELAMED:
10 Q. I'm going to hand you what's
11 previously been marked as Altier
12 Exhibit-2. It's quite lengthy. I will
13 point you to specific passages that I
14 want to look at.
15 MS. WELCH: While he's
16 passing those out, do you guys
17 have a charger for the real time?
18 - - -
19 (Whereupon, a discussion off
20 the record occurred.)
21 - - -
22 VIDEO TECHNICIAN: We are
23 going off the record. The time is
24 2:10 p.m.

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1 - - -
2 (Whereupon, a brief recess
3 was taken.)
4 - - -
5 VIDEO TECHNICIAN: We're
6 going back on the record. The
7 beginning of Media File Number 5.
8 The time is 2:19.
9 BY MR. MELAMED:
10 Q. So I just handed you what
11 was previously marked Allergan Altier
12 Exhibit-2.
13 It's an e-mail from Jennifer
14 Altier to Lisa Miller, e-mail string, the
15 most recent being from Jennifer Altier to
16 Lisa Miller, Bates stamped
17 Allergan_MDL_01610520. It's a two-page
18 e-mail string. And there are two
19 attachments, the first starts at
20 Allergan_MDL_01610522 and the second
21 starts at Allergan_MDL_01610714.
22 MS. WELCH: I'm sorry, can
23 you give me the Bates number
24 again?

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1 MR. MELAMED: 01610714 is
2 the second attachment.
3 BY MR. MELAMED:
4 Q. So if you look at the
5 first-in-time e-mail on the second page,
6 it's Allergan_MDL_01610521.
7 A. Yes.
8 Q. It's from Jennifer Altier to
9 Carla Hendrick, stating the need to
10 re-submit the Kadian training module to
11 Watson's PRC and stating that the two
12 attachments are the Actavis module, first
13 attached, created based on the Alharma
14 module, second attached.
15 Do you see that?
16 A. Yes.
17 Q. So this Actavis module, the
18 first attached, was in use -- is it your
19 understanding that the Actavis module was
20 in use as of January 15th, 2013?
21 A. Let's see.
22 It doesn't specifically
23 state that. So my understanding is the
24 representatives were no longer promoting

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1 Kadian as of the end of 2012. So I don't
2 know if there was anyone using this
3 specific document.
4 Q. Do you have any
5 understanding why Jennifer Altier would
6 be requesting references in order to
7 resubmit the training module in 2013 if
8 nobody was detailing the drug anymore?
9 A. Around that time period, I
10 believe they were still in discussions
11 about, you know, what, if any, promotion
12 that they would -- that they would do.
13 So to have a training module on file, an
14 active training module, would be the
15 reason.
16 There may have also been --
17 I'm trying to think of the dates. There
18 may have been some teleservice
19 representatives that they were still
20 training, because they were active
21 slightly longer than the inVentiv sales
22 representatives.
23 Q. Is it your understanding
24 that the training module, the first

<p style="text-align: right;">Page 234</p> <p>1 attached document that starts at 2 Allergan_MDL_01610522, would have been 3 the training module in use up until this 4 point in time, to the extent any training 5 module was used? 6 A. Based on the fact she sent 7 it as, you know, the Actavis module, I 8 think this is the version that was being 9 used. But it's a big module, I can't say 10 for certain this is what they were using 11 to train the sales force. It looks like 12 it was. 13 It has a date on it of July 14 1st of 2010, so it doesn't have an end 15 date. But, yes, it has -- that is the 16 date it looks like it was started to be 17 used. 18 Q. Based on that date, the July 19 1st, 2010 date on which it appears it was 20 started -- it started to be used, or it 21 was completed, is it your understanding 22 that this training module reflected 23 changes in response to the DDMAC letter 24 sent -- received by the company in</p>	<p style="text-align: right;">Page 236</p> <p>1 is defined in a glossary, if you will, of 2 terms for the training system, yes. 3 Q. And it's defined as 4 behaviors that mimic addictive behaviors 5 exhibited by patients with inadequately 6 treated pain. 7 Do you see that? 8 A. I see the definition listed 9 there. 10 Q. Is that a representation 11 that you consider consistent with Topic 12 30, Number C? 13 A. There are a couple of 14 distinctions that I would make here. So, 15 this is a -- first of all, this is a 16 definition of pseudo-addiction that is 17 different than the statement that's in C. 18 The other thing is that 19 these are training materials for 20 background information for sales 21 representatives. They're not marketing 22 materials for what representatives would 23 discuss with physicians. 24 And the reason for that -- I</p>
<p style="text-align: right;">Page 235</p> <p>1 February of 2010? 2 A. Since it was active in July 3 of 2010, it should contain those updates. 4 I would assume that it does. 5 Q. You saw in Topic 30 the -- 6 one of the representations we asked about 7 was whether there was a description of 8 signs of addictive behavior as 9 pseudo-addiction requiring more opioids. 10 Do you see that? 11 A. I'm sorry, in Topic 30 -- 12 Q. Yes. 13 A. Yes. 14 You're asking -- you're 15 asking about Statement C? 16 Q. Yes. I'm just referencing 17 that. 18 A. Yes. 19 Q. Can you turn to Page 7 of 20 the first training module? 21 Do you see that there's a 22 terminology page and that among the terms 23 defined is pseudo-addiction? 24 A. I see that pseudo-addiction</p>	<p style="text-align: right;">Page 237</p> <p>1 don't know how familiar you are with the 2 sales force and training. You know, when 3 these representatives are going in to 4 have a conversation with a physician, 5 it's important that they know the 6 terminology that a physician may use. 7 And so that this way they 8 have an understanding of that, so just 9 they're credible when they're going in to 10 talk to a physician. 11 Q. So it was appropriate to 12 provide them with a definition of 13 pseudo-addiction? 14 A. It's appropriate to provide 15 them with all the definitions of terms 16 that they may hear in the context of -- 17 in the course of business when they're 18 talking to physicians. 19 Q. So -- and you referenced 20 differences between the definition on 21 Page 7 of Altier Exhibit-2 and Topic 30C. 22 The different -- I assume 23 one, Topic C, says that, Addictive 24 behaviors require more opioids. This one</p>

<p style="text-align: right;">Page 238</p> <p>1 says, Behaviors that mimic addictive 2 behaviors reflect inadequately treated 3 pain. 4 Is that true? 5 A. I'm sorry, I'm going back 6 and forth. I'm not following. 7 Yes, yes. So the definition 8 here is -- one, it's slightly different 9 than -- it's different than what we see 10 here in C, it's a different statement. 11 And the other is that -- you know, I 12 think the question -- the topic was 13 around marketing materials, not training 14 materials. Two totally different types 15 of materials. 16 Q. Did you consider -- in 17 response to -- withdraw that. 18 In preparation to respond to 19 Topic 30, did you consider training 20 materials? 21 MS. WELCH: Objection to 22 form. 23 THE WITNESS: I reviewed the 24 training materials as well. I</p>	<p style="text-align: right;">Page 240</p> <p>1 with. 2 So it's really to give them 3 background information, as well as the 4 information that they will use to promote 5 the product. 6 Additionally, what data they 7 have available to them and all of that. 8 So it's -- I mean, it's 9 several-fold. But definitely background, 10 as well as what their promotional 11 statements can be, what materials they 12 can use. 13 Q. And to state the obvious, 14 you would try to -- the goal would be to 15 provide the sales reps with accurate 16 information in their training materials; 17 is that true? 18 A. Of course. 19 Q. Can you turn to Page 31 of 20 the training materials? 21 A. Sure. 22 Q. The bottom paragraph. 23 You see that it says, 24 Although some progress has been made in</p>
<p style="text-align: right;">Page 239</p> <p>1 don't necessarily consider these 2 marketing materials. 3 But these are -- marketing 4 materials are also -- are things 5 that a representative would take 6 and communicate -- use with a 7 physician to communicate. Whereas 8 training materials are background. 9 But I did review these to 10 get the full scope in connection 11 with Topic 30. 12 BY MR. MELAMED: 13 Q. What's the purpose of 14 providing sales reps training materials? 15 A. Sure. There's several 16 different purposes. You know, typically, 17 you would want to train sales 18 representatives on the disease state for 19 the condition that they are going to be 20 selling products for. You would want to 21 train representatives on the types of 22 physicians that they would be talking to. 23 You'd want to train them on the materials 24 that they have to talk to physicians</p>	<p style="text-align: right;">Page 241</p> <p>1 providing good pain control to every 2 patient, many factors still interfere 3 with pain management. 4 It goes on to list three 5 factors. The last of those factors is an 6 inappropriate fear of addiction. 7 Do you see that? 8 A. I see the statement you're 9 referring to. 10 Q. And that's something you 11 were providing your training 12 representatives so they were aware that 13 that was something they would need to 14 overcome in conversations with doctors? 15 MS. WELCH: Objection to the 16 form. 17 THE WITNESS: I mean, I 18 think -- I think you're adding 19 some context in terms of why you 20 would be providing this statement, 21 what the rationale behind 22 including it is. 23 So, I think, like I said, 24 documents for training are to give</p>

<p style="text-align: right;">Page 242</p> <p>1 representatives background 2 information so when they talk to 3 physicians they understand the 4 landscape. It's very different 5 than what they are instructed to 6 communicate to physicians. 7 BY MR. MELAMED: 8 Q. From the perspective of 9 Actavis in this training module, the 10 inappropriate fear of addiction still 11 interferes with pain management, correct? 12 A. I think -- I just want to 13 make sure that it's clear. 14 There -- this isn't saying 15 that fear of addiction is inappropriate. 16 It's talking about -- the "inappropriate" 17 is qualifying, I'm sure -- qualifying the 18 fear of addiction. So I don't want -- I 19 think the way you said it was broadening 20 the sentence a little bit. 21 But, I mean, this is 22 summary, and I haven't read through all 23 the details. So I don't want to guess as 24 to what this specific statement, taken</p>	<p style="text-align: right;">Page 244</p> <p>1 paragraph without the context of the 2 document? 3 A. I would want to read through 4 the document before I drew any type of 5 conclusion as to exactly what that is 6 saying. 7 Q. As you sit here today, you 8 have no conclusion to draw as to what 9 that paragraph is saying? 10 A. I'm just reading through the 11 document. 12 So I read through the 13 summary, and it does talk about some 14 factors that may interfere with pain 15 management and lists some specific 16 examples that are, you know, potential 17 things that would interfere with pain 18 management. 19 And so -- but if I'm -- 20 since this is a summary, I would assume 21 that there's more information I could 22 read through to really understand what 23 the point of it is. 24 Q. Can you see where in that</p>
<p style="text-align: right;">Page 243</p> <p>1 out of context, is referencing. 2 So, I mean, if you want me 3 to speak specifically about any one 4 statement in there, I'd have to do a 5 little bit of reading. 6 Q. You'd need context to decide 7 whether this paragraph, fairly read, 8 states essentially that, among other 9 things that interfere with pain 10 management is an inappropriate fear of 11 addiction; is that what you're saying? 12 MS. WELCH: Objection to 13 form. 14 THE WITNESS: I'm saying 15 that I would -- you know, it's a 16 large document, it's 192 pages. 17 And just, you know, picking out 18 one sentence and asking me to say 19 what that is, is just kind of hard 20 to do. So I'd -- 21 BY MR. MELAMED: 22 Q. So you have trouble -- 23 A. -- like to read it. 24 Q. -- understanding that one</p>	<p style="text-align: right;">Page 245</p> <p>1 final paragraph -- or can you point me 2 where, I'm sorry, in that final paragraph 3 it says that the three things listed in 4 the second sentence may interfere, or 5 would possibly interfere with pain 6 management? 7 A. It says, Many factors still 8 interfere with pain management. So there 9 are several factors that do. 10 However, every one of the 11 factors listed would not interfere in 12 every case, which is why I would qualify 13 that. 14 Q. Fair enough. 15 Going back to the 16 pseudo-addiction definition, I don't know 17 if -- feel free to look back to the page, 18 it was Page 7, I believe. 19 A. Sure. 20 Q. But do you know what the 21 basis of that definition is? The 22 terminology listed here on Page 7, do you 23 know where that definition comes from? 24 A. Without looking through to</p>

<p style="text-align: right;">Page 246</p> <p>1 see if there's references, I don't know 2 where this exact definition comes from. 3 Q. And do you know what the 4 basis is for saying that an inappropriate 5 fear of addiction still interferes with 6 pain management, as reflected on Page 31? 7 A. If you go back to Jennifer's 8 e-mail, I think the purpose of her e-mail 9 was to ask for some -- I believe she was 10 asking for some references. I just want 11 to find that. 12 Yeah, in the last line on -- 13 so this is Bates number 0520 -- I'm 14 sorry, 0521. There she was asking 15 someone, Carla Hedrick, if she had the 16 references on file. 17 So these materials would 18 typically go through the Promotional 19 Response -- Promotional Review Committee 20 and the legal, regulatory, medical groups 21 would review the statements in there, and 22 also the references where they were 23 pulled from. 24 So I don't have the specific</p>	<p style="text-align: right;">Page 248</p> <p>1 So it looked like Jennifer 2 was looking for all of the, you know, 3 literature cited. She was looking for 4 all those for different chapters. 5 So because this is a 6 summary, I don't know if it's a summary 7 of that specific chapter, which is why 8 I'd have to look through the whole 9 document to understand if that's a 10 summary of a specific chapter or a 11 summary of more pages of it. 12 But one of the references in 13 the document would likely be the source 14 for that. And that's the job of the 15 Promotional Review Committee, to look 16 through those references and look through 17 the documents and make sure everything 18 that is in this learning system or any 19 promotional material or anything that 20 comes out from the company is accurate. 21 Q. So you are confident that it 22 isn't inaccurate to state that an 23 inappropriate fear of addiction is one 24 factor that still interferes with pain</p>
<p style="text-align: right;">Page 247</p> <p>1 reference that these were pulled from. 2 But because they went through that 3 Promotional Review Committee, they would 4 have checked the references to make sure 5 that the statements were accurately 6 reflecting the references. 7 Q. So the statement on 31 would 8 be sourced to some -- some of -- one of 9 the articles cited on 32 and 33, if not 10 more? Is that your understanding? 11 A. I don't know if these are 12 the only references in the document, 13 but -- 14 Q. I'll represent to you that 15 they are not the only references in the 16 document. 17 A. They're not. Okay, then I 18 don't know. 19 Q. They are the references for 20 that chapter. 21 A. Then I don't know for sure 22 whether those are a reference to it. You 23 know, each statement doesn't have a 24 specific reference number there.</p>	<p style="text-align: right;">Page 249</p> <p>1 management, as of, you know, 2010 when 2 this training module was created? 3 MS. WELCH: Objection to 4 form. 5 THE WITNESS: I'm confident 6 that these materials went through 7 the Promotional Review Committee. 8 I'm not a medical person, which I 9 think you would need to rely on to 10 really make that distinction of, 11 like, this is accurate, this is -- 12 but there was a medical person on 13 the Promotional Review Committee, 14 and they reviewed this document. 15 BY MR. MELAMED: 16 Q. Okay. If you look again at 17 Topic 30, Number -- or Subletter D. 18 A. Sure. 19 Q. It says, Opioid withdrawal 20 can be avoided by tapering. 21 Do you see that? 22 A. Yes. 23 Q. Can you turn to Page 75 of 24 Altier Exhibit-2? It will be Bates stamp</p>

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1 ending 596.
 2 Do you see the two bullet
 3 points at the bottom of 75?
 4 A. Yes.
 5 Q. Do you see the last sentence
 6 at the end of the first bullet point, and
 7 it says, Physical dependence simply
 8 requires a tapered withdrawal should the
 9 opioid medication no longer be needed.
 10 A. I see the sentence you're
 11 referring to. I haven't read through
 12 the --
 13 Q. Is that sentence consistent
 14 with the meaning of the sentence in
 15 Subtopic D in Topic 30, that opioid
 16 withdrawal can be avoided by tapering?
 17 A. No, those are two different
 18 statements. And, again, I really don't
 19 have medical expertise to determine
 20 exactly what they mean in terms of, you
 21 know, physical dependence. And it's
 22 different language.
 23 So, again, I mean, I can
 24 make a few comments about this document,

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1 that it went through the medical, legal,
 2 regulatory review. And the statements in
 3 here, to my understanding, are based on
 4 the references that are in here. And it
 5 was also -- it's a background training
 6 piece as opposed to a marketing piece.
 7 So I just want to make sure
 8 that that distinction remains clear,
 9 because this is a training module, not
 10 something that the representatives would
 11 be out saying to physicians.
 12 Q. Do you know whether this
 13 training module says anywhere in here,
 14 don't say any of this to physicians?
 15 A. I'd have to look through to
 16 see it.
 17 Q. I'm not going to ask you to
 18 look through it.
 19 A. But the --
 20 Q. If it's there, it's there.
 21 I'm just asking you.
 22 A. I do know that when -- the
 23 training presentations that I reviewed
 24 have always specified that the training

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1 is for background and what statements
 2 are -- but I don't know whether this
 3 specific -- well, actually, here it says
 4 for internal and training purposes only,
 5 not to be distributed.
 6 Q. Right. The document is not
 7 to be distributed.
 8 I'm just asking about the
 9 messages therein. Is there anything in
 10 here, and you may not know and that's
 11 fair, and I don't want to take the time
 12 to go through the whole document, it will
 13 say it or not say it.
 14 A. Right.
 15 Q. But do you know, off the top
 16 of your head, whether the document itself
 17 says, this information is for your own
 18 background, please do not provide it to
 19 any doctors?
 20 A. So the document does say --
 21 Q. The information, not the
 22 document.
 23 A. -- for internal -- oh, the
 24 information in here?

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1 Q. Yes.
 2 A. I mean, I think that's -- I
 3 think that's encompassing, in my opinion,
 4 for internal and training purposes only,
 5 not to be distributed, doesn't mean the
 6 physical document -- it can mean the
 7 physical document as well as the
 8 information in there.
 9 Q. So it's your understanding
 10 that sales representatives who received
 11 this would know that it was not provided
 12 to them to provide information that they
 13 should discuss with the doctor?
 14 A. I mean, in my experience,
 15 and I'll speak from my experience, it's
 16 very clear up front to sales
 17 representatives in training that these
 18 are not to be provided; and that they
 19 understand that language, that if
 20 something says it's for internal and
 21 training purposes only, that they are not
 22 able to communicate that.
 23 I obviously wasn't in the
 24 training classes, and I don't have all

<p style="text-align: right;">Page 254</p> <p>1 the e-mails that went back and forth with 2 the sales force. But that is -- that is 3 my understanding. 4 Q. And just to be clear, I 5 understand that the document makes clear 6 it was not to be provided. 7 A. Yes. 8 Q. But it's your understanding 9 that sales representatives also would 10 have understood that the information 11 contained in the document should not be 12 provided? 13 A. That's very, very standard 14 practice with sales representatives, yes, 15 that they know what their marketing 16 materials are. 17 Q. But the purpose of this was 18 to provide sales reps with education so 19 that they could engage with doctors, 20 correct? 21 MS. WELCH: Objection. 22 BY MR. MELAMED: 23 Q. What was -- what was the 24 purpose --</p>	<p style="text-align: right;">Page 256</p> <p>1 learning about product -- the 2 product and getting ready to go 3 into the sales force to talk to 4 doctors about Kadian. 5 BY MR. MELAMED: 6 Q. Turn to 76, please. 7 A. Sure. 8 Q. Do you see the bullet point, 9 Substance abuse? The second sentence. 10 It says, However, despite 11 the continued unscientific beliefs of 12 some clinicians, there is no evidence 13 that simply taking opioids for a period 14 of time will cause substance abuse or 15 addiction. 16 Why was that information 17 provided to sales representatives who 18 were going to detail opioids to doctors? 19 A. As I said earlier, I mean, 20 this is background information that needs 21 to be provided to sales representatives 22 so when they're in conversations with 23 physicians, if a physician makes a 24 statement that they are aware of the</p>
<p style="text-align: right;">Page 255</p> <p>1 MS. WELCH: Objection. 2 BY MR. MELAMED: 3 Q. -- of the training document? 4 MS. WELCH: Objection to 5 form. 6 THE WITNESS: The purpose of 7 the training is several things. 8 And, you know, I think I 9 talked about this in the 10 beginning. It's to give 11 information, background 12 information, on the overall market 13 and the terminology that they may 14 encounter. 15 And then there's also 16 sections that talk specifically 17 about the product and -- so they 18 have information on the -- on 19 Kadian and what the indication is, 20 the warnings, all of that type of 21 information. 22 So it's to provide 23 information to sales 24 representatives as they're</p>	<p style="text-align: right;">Page 257</p> <p>1 types of -- whether it's terminology that 2 a physician would use or something that, 3 you know, a physician might say in the 4 course of a discussion with a sales 5 representative. 6 So there's background 7 information that is typically provided to 8 the sales representatives. 9 Q. What about that specific 10 sentence I just read? What's the purpose 11 of providing that to a sales rep who is 12 about to go detail opioids to doctors? 13 MS. WELCH: Objection to 14 form. 15 THE WITNESS: I mean, I 16 didn't put together the document, 17 so I can't be sure what the intent 18 behind it was. 19 BY MR. MELAMED: 20 Q. If you look at Topic 30, Sub 21 A, it says, The risk of addiction from 22 chronic opioid therapy is low. 23 The sentence we just read on 24 Page 76 of the Kadian learning system is</p>

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1 consistent in meaning with Sub A, is it
2 not?
3 A. I don't think it is. I
4 think what these -- what the point that
5 training module would want to -- is
6 trying to make is that Kadian has
7 legitimate medical use and it was
8 approved by the FDA because there are
9 patients who have pain that are
10 appropriate patients for Kadian.
11 And I think that is what
12 some of this background information is
13 trying to include.
14 Q. Do you see where any of what
15 you just said is in that bulleted
16 paragraph on Page 76?
17 A. I mean, it's two different
18 things. You're asking me what does the
19 document say, but then you're also asking
20 what is the intent behind it. So I'm --
21 Q. I'm ask --
22 A. -- trying to provide the
23 intent.
24 Q. I wasn't asking you about

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1 the intent. I was asking you if the
2 meaning of the sentence we read on Page
3 76 was to you, in your mind, as you sit
4 here on behalf of the corporation,
5 consistent with Topic 30, Sub A, the
6 meaning of that, the risk of addiction
7 from chronic opioid therapy is low?
8 MS. WELCH: Asked and
9 answered.
10 THE WITNESS: No.
11 MR. MELAMED: I don't think
12 the first part of that.
13 THE WITNESS: I think they
14 are two -- they are two different
15 statements.
16 The statement that you have
17 in here is the risk of addiction
18 from chronic opioid therapy is
19 low. And this says that there's
20 no evidence that simply taking
21 opioids for a period of time will
22 cause substance abuse or
23 addiction.
24 To me what that says is that

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1 there are legitimate uses for
2 patients taking opioids that --
3 and not every person who takes an
4 opioid will become addicted.
5 That's how I read that.
6 BY MR. MELAMED:
7 Q. Would a sales representative
8 have been able to make that statement to
9 a doctor -- let me withdraw that.
10 Would it have been proper
11 for a sales representative detailing
12 Kadian to make that statement to a
13 doctor?
14 MS. WELCH: Objection.
15 Beyond the scope of the noticed
16 topics.
17 THE WITNESS: Sales
18 representatives were trained to
19 use the materials that were in
20 there that were -- they're
21 marketing materials, which they
22 were trained on.
23 And so the statements that
24 they were -- that they would use

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1 to a physician were in those
2 marketing materials, not from the
3 training system.
4 BY MR. MELAMED:
5 Q. So would it have been
6 inappropriate, in response to a doctor
7 who says, I'm worried that taking opioids
8 for a period of time may cause my
9 patients to become addicted or have
10 substance abuse issues, would it have
11 then been appropriate for a sales
12 representative to say, I understand, but
13 I believe that's an unscientific belief?
14 MS. WELCH: Objection.
15 Asked and answered. Speculative.
16 And outside the scope of the
17 noticed topics.
18 THE WITNESS: Our
19 representatives were trained to
20 only communicate the approved
21 messages in their marketing
22 materials.
23 If this was not in their
24 marketing materials, it would not

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1 be appropriate for them to respond
2 with this information.
3 BY MR. MELAMED:
4 Q. Do you know whether any
5 sales representatives detailing Kadian
6 stated any -- anything to doctors
7 reflected in the training materials but
8 not the marketing materials?
9 MS. WELCH: Objection.
10 Outside the scope of the noticed
11 topics.
12 You can go ahead.
13 THE WITNESS: The only
14 information I have specifically on
15 what sales representatives would
16 have said were some of the call
17 notes that I looked at. And there
18 were no evidence of any of that
19 particular statement in that, in
20 those call notes.
21 BY MR. MELAMED:
22 Q. More broadly in those call
23 notes that you reviewed, was there
24 evidence of any communications that were

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1 contained within the training materials
2 but not contained within the marketing
3 materials for the sales reps?
4 A. I did not see any statements
5 outside of the marketing materials.
6 Q. Returning to Topic 30, do
7 you know whether anyone acting on behalf
8 of Actavis made any of the
9 representations listed from A through H
10 to any doctors they detailed Kadian to?
11 A. I have no evidence that
12 anyone made these statements to doctors.
13 Q. And what is the evidence you
14 looked at to -- when you say you "have no
15 evidence," what have you considered?
16 A. So I've looked at the
17 training materials that the
18 representatives received, in terms of
19 there were presentations that had
20 information about the marketing messages.
21 And I've also looked at the call notes
22 that were available.
23 And, as I mentioned just a
24 few minutes ago, I did not see anything

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1 related to that.
2 Did I have conversations
3 with all the representatives? No. But
4 from reviewing those official marketing
5 documents and the call notes, I have not
6 seen any evidence that representatives
7 made that.
8 And the other thing I would
9 draw your attention to. Can I bring --
10 Exhibit-5, the contract sales force
11 agreement between inVentiv and Actavis.
12 If you look at Page 34, which is 8679
13 Bates number, in the job description for
14 the sales representatives, it
15 specifically talks about their goals.
16 And the first bullet point,
17 the second half of that sentence, Will
18 act in complete and total compliance with
19 laws, regulations and policies.
20 So that was specifically in
21 the job description for the
22 representatives. And by accepting the
23 job, those were -- they agreed to follow
24 the policies that were set forth by the

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1 company.
2 Q. Is there a policy at Actavis
3 that says, do not use training materials
4 in detailing calls?
5 A. I don't know if there was --
6 in my review of the documents, I don't
7 remember seeing whether something was --
8 specifically stated that as a general
9 policy.
10 I know at Allergan, there
11 is. And representatives are routinely
12 told that. I wouldn't know for sure.
13 That might be a better question for
14 someone who was there at the time. But I
15 don't have that policy in front of me.
16 Q. Who would you ask, if you
17 were looking to find out that
18 information?
19 A. I'd probably ask Nathalie.
20 Q. Nathalie Leitch?
21 A. Yes. That's a question I
22 would ask her.
23 Q. You just mentioned that you
24 didn't see anything -- I'm sorry, in

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1 responding and saying that you had not
 2 seen evidence that any sales
 3 representative had made any of the
 4 representations in Topic 30, Subtopics A
 5 through H, you stated that you didn't
 6 have conversations with all the sales
 7 representatives. Understandably.
 8 Did you have conversations
 9 with any of the sales representatives who
 10 detailed Kadian, in preparation for this
 11 testimony?
 12 A. No, I didn't have
 13 conversations with sales representatives.
 14 I talked to Jennifer and Nathalie, since
 15 they were the marketing people who
 16 provided direction to the sales force.
 17 Q. Jennifer --
 18 A. Altier.
 19 Q. -- Altier and Nathalie
 20 Leitch?
 21 A. And Nathalie Leitch, yes.
 22 Q. Did you specifically ask
 23 them whether sales representatives
 24 said -- made any of the representations

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1 in 30, Sub A through H?
 2 A. I specifically asked them
 3 about what the basis for the sales
 4 representative marketing communications
 5 were. And what they communicated to me
 6 was that the -- and I think Jennifer
 7 actually represented this in her
 8 testimony as well, that the
 9 representatives were trained on what the
 10 statements in their marketing materials
 11 were and what they were able to talk
 12 about.
 13 I think she referred several
 14 times to the marketing materials being,
 15 like, a colorful PI, and that was the
 16 basis for all of the statements that
 17 representatives were trained to make.
 18 Q. You also testified that this
 19 training module went through PRC,
 20 correct?
 21 A. Yes.
 22 Q. And that's the legal and
 23 regulatory review committee that approved
 24 marketing and training materials, right?

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1 A. That's correct.
 2 Q. And is it your testimony
 3 that because it went through PRC it,
 4 therefore, had a basis in fact and was
 5 adequate -- was -- let me withdraw that
 6 and restate it.
 7 Is it your testimony that
 8 because it went through PRC, it was
 9 something that was permissible to provide
 10 to sales representatives?
 11 A. If you're asking me, then,
 12 is the -- permissible to the company,
 13 yes. Once something goes through PRC, if
 14 it's a marketing material and a
 15 leave-behind, that can go to -- that can
 16 go from sales representatives to
 17 physicians.
 18 The training documents went
 19 through that review process, but those
 20 were not provided to physicians.
 21 Q. Certain materials that did
 22 go through PRC were subject of the FDA
 23 DDMAC letter, however, right?
 24 A. So the -- just a distinction

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1 there.
 2 So the materials that went
 3 through -- that were subject to the
 4 warning letter were materials that came
 5 from Alpharma. And in talking to Terri
 6 Nataline, she mentioned, at the time,
 7 that she really -- she looked at those
 8 materials, there wasn't a formal PRC
 9 process in place at the time, and she --
 10 but she went through them and she okayed
 11 them to be used at the sales force at the
 12 time.
 13 Q. When did the PRC process
 14 come into being?
 15 A. I don't know the date. It
 16 would have been soon afterwards, since I
 17 saw, you know, in talking to Jennifer,
 18 all of her materials went through the PRC
 19 process. And she, I know, started in
 20 2009.
 21 So it would have been some
 22 time then. But I don't know the exact
 23 date.
 24 Q. Just to be clear, though,

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1 all of the materials didn't go through
 2 the PRC, right? Because certain
 3 materials, on the acquisition of Kadian,
 4 were taken from Alpharma, reviewed by
 5 Terri Nataline, but not PRC, and then
 6 used; is that correct?
 7 A. So they would have gone
 8 through Terri's review. I don't know
 9 whether she officially called the process
 10 that she put it through a PRC, but it
 11 was -- it was a -- it went through her.
 12 It didn't go through the same committee
 13 that then the revised materials went
 14 through.
 15 Q. Was she a part of the PRC
 16 after it was constituted?
 17 A. From Jennifer's testimony,
 18 she gave other names who were the
 19 regulatory -- the regulatory person. So
 20 I don't believe she was part of that PRC.
 21 Q. And you have no other
 22 knowledge, aside from Jennifer Altier's
 23 testimony, regarding the members of the
 24 PRC?

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1 A. The actual people that were
 2 on there, that all came from -- my
 3 knowledge of that came from Jennifer's
 4 testimony and talking to Jennifer.
 5 Q. In terms of the marketing
 6 materials that were provided to sales
 7 representatives to market Kadian, were
 8 any of those regionally specific?
 9 A. None of the ones I saw were
 10 regionally specific. They were all --
 11 they were all national -- the same
 12 materials that were used nationally.
 13 Q. So to the best of your
 14 knowledge, all of the marketing materials
 15 concerning Kadian that were provided to
 16 sales reps were used by sales reps across
 17 the country?
 18 A. Yes, that's my
 19 understanding.
 20 There was one contract I
 21 reviewed with MetaMedia, they provided
 22 some managed care data where I believe
 23 sales representatives could pull up
 24 coverage specific to an area and provide

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1 that to physicians. So that would be the
 2 only exception that I could think of that
 3 would fall into that category.
 4 Q. Do you know where the --
 5 those -- let me withdraw that and restate
 6 it.
 7 Do you know what
 8 geographical areas the managed care data
 9 was provided for?
 10 A. It would have been plans,
 11 there would have been specific plans that
 12 were on there. So I think it would be
 13 a -- MetaMedia is a national database, so
 14 anyone could pull it -- could pull that
 15 information to figure out managed care
 16 coverage in a state or another geography.
 17 But I don't know enough
 18 about the database to know exactly
 19 whether it was broken down by MSA, state,
 20 that type of information.
 21 Q. Turn to Page 7 of Exhibit-3.
 22 It's the notes that you prepared. This
 23 concerns Topic 11 --
 24 A. Yes.

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1 Q. -- which is your
 2 relationship with compensation paid by
 3 you to an identity of persons who
 4 interacted with a series of persons and
 5 entities regarding opioid -- opioids or
 6 opioid products.
 7 And you responded that,
 8 Allergan does not have a relationship
 9 with the listed individuals or entities
 10 for the purpose of promoting Kadian or
 11 Norco.
 12 Do you see that?
 13 A. Yes.
 14 Q. Did Allergan have a
 15 relationship with any of the listed
 16 entities for the purpose of promoting
 17 opioids generally?
 18 A. No. In my conversation with
 19 Jennifer -- I'm sorry, can you repeat the
 20 question? I just want to make sure I got
 21 the right time period.
 22 Q. Did Allergan -- I'm just
 23 responding based on your response.
 24 A. Yes.

<p style="text-align: right;">Page 274</p> <p>1 Q. Did Allergan have a 2 relationship with any of the listed 3 entities for the purpose of promoting 4 opioids generally? 5 A. No. My understanding is 6 there was no relationship with these 7 organizations for the purpose of 8 promoting Kadian or Norco. 9 As far as the generic 10 opioids, again, I think I mentioned this 11 earlier, is that any records related to 12 the generics are -- remained with the 13 Actavis generic companies that are now 14 with Teva. So they would have the -- 15 they would have any records related to 16 that. 17 Q. So is it accurate to say 18 that you're not aware whether there was 19 any relationship between Allergan and any 20 of these entities or individuals 21 regarding generic opioids? 22 A. I'm not aware of any 23 relationship with them. 24 Q. I want to rephrase the</p>	<p style="text-align: right;">Page 276</p> <p>1 A. Okay. 2 Q. In that general way, where 3 it's not speaking about any particular 4 branded opioids or any particular generic 5 opioids, but just about the appropriate 6 use of opioids generally, did Allergan 7 have a relationship with any of the 8 listed entities or doctors that you are 9 aware of? 10 A. Meaning did we purchase 11 reports or something? 12 Q. Fund them? Did you -- were 13 you members of the organizations? Did 14 you fund reports? Any relationship with 15 them? 16 A. From my understanding and my 17 review and discussions, Allergan does not 18 have a relationship in terms of promoting 19 Kadian or Norco. 20 I know Jennifer did talk 21 about there was an ad board that was for 22 a product, I believe she called it 23 MoxDuo, that was never launched, that 24 there was a -- Perry Fine did attend. So</p>
<p style="text-align: right;">Page 275</p> <p>1 question a little bit differently as 2 well. 3 A. Okay. 4 Q. Did Allergan have any 5 relationship, where compensation paid by, 6 et cetera, between itself and any of the 7 following -- the listed persons or 8 entities relating to those person's or 9 entities' promotion of opioids? 10 A. Can you repeat that? 11 Q. So let me rephrase this 12 certain ways. 13 A number of these entities 14 put out materials concerning opioids 15 generally, not brand specific. 16 Are you aware of that? 17 A. Not really. But I would 18 imagine that they -- that they do. 19 Q. They wouldn't have 20 mentioned -- certain materials wouldn't 21 have mentioned a brand name or a company. 22 They would just talk about the 23 appropriateness of opioid treatment for 24 certain conditions.</p>	<p style="text-align: right;">Page 277</p> <p>1 I assume there was a contract in place 2 with him to attend that ad board. But 3 that's all I'm aware of. 4 Q. Was Allergan ever a member 5 of any of the organizations listed from A 6 to Q? 7 A. I'm specifically -- I 8 specifically looked at this related to 9 Kadian and Norco and the opioids. And I 10 don't know, in the course of -- you know, 11 with some of the other products. You 12 know, we do have a product for 13 fibromyalgia, Savella. So I couldn't 14 answer that with certainty. 15 Q. Do you know whether Allergan 16 ever sponsored any events put on by any 17 of the entities listed in A through Q 18 related to opioids? 19 A. Again, I mean, my 20 understanding is that there was no 21 relationship between Allergan and any of 22 these for the purposes of promoting 23 Kadian and Norco, which is what I 24 prepared to talk about.</p>

<p style="text-align: right;">Page 278</p> <p>1 Q. Is it fair, then, to say 2 that you're just not sure either way 3 whether Allergan ever sponsored any 4 events put on by any of the entities 5 listed in A through Q of Topic 11? 6 MS. WELCH: Objection. 7 Misstates her testimony. 8 THE WITNESS: Are you 9 talking specifically about 10 opioids, or are you making this a 11 more general question? 12 The reason I ask that is 13 because, I mean, I worked on 14 Alzheimer's products, there may 15 have been some -- the American 16 Geriatric Society, there could 17 have been a relationship there. I 18 don't want to broaden that 19 testimony. 20 BY MR. MELAMED: 21 Q. Fair enough. 22 Did you do anything to 23 prepare for today -- let me withdraw that 24 and state it more cleanly.</p>	<p style="text-align: right;">Page 280</p> <p>1 include that. 2 So -- 3 MR. MELAMED: I'll restate -- 4 MS. WELCH: -- to the extent 5 you're talking beyond opioids, I 6 object it's outside the scope. 7 MR. MELAMED: I'll restate 8 it to be limited to opioids. Or 9 I'll attempt to restate it to be 10 limited to opioids. 11 BY MR. MELAMED: 12 Q. In preparation for today, 13 putting aside the specific conversations 14 you had about Kadian and Norco with 15 Jennifer Altier, did you do anything to 16 investigate whether Allergan made any 17 payments to any of the entities, Subtopic 18 11, Sub A through Sub Q, related in any 19 way to opioids? 20 And by the breadth of that 21 question I mean sponsorship of events, 22 memberships, funding of publications. 23 Did you look -- did you 24 investigate that at all in preparation</p>
<p style="text-align: right;">Page 279</p> <p>1 In preparing for today, did 2 you look at whether Allergan sponsored 3 events by any of the entities listed, A 4 through Q, in Topic 11? 5 A. I looked at -- I talked to 6 Jennifer about specifically Kadian and 7 Norco. 8 Q. Other than Kadian and Norco, 9 did you consider -- did you do anything 10 to prepare -- I'm going to withdraw that 11 all and state it again. 12 In preparation for today, 13 did you investigate whether Allergan made 14 any payments to any of the entities, A 15 through Q, other than payments concerning 16 Kadian and Norco, which you have said 17 they did not? 18 MS. WELCH: Objection. Well 19 beyond the scope of the topics, if 20 you're asking her if she prepared, 21 for example, by looking at whether 22 a payment was made on behalf of 23 something nonopioid related. And 24 your question is broad enough to</p>	<p style="text-align: right;">Page 281</p> <p>1 for today? 2 A. I had a -- I reviewed the 3 transcript with Jennifer and that 4 Jennifer testified that she -- there were 5 no relationships, these didn't exist. 6 And so beyond that, I did 7 not dig into the databases or request 8 information on any payment that would 9 have gone out from Allergan. 10 Q. Was Jennifer's testimony 11 limited to Kadian, Norco and MoxDuo? 12 A. I believe that was -- yeah, 13 that was the subject. There were 14 questions to her regarding things outside 15 of that, but that was her -- I believe 16 that was her testimony. 17 As far as the generic 18 opioids, I think I've said this a few 19 times, is that the people who were -- who 20 would have been involved with the generic 21 opioids are no longer a part of Allergan, 22 they would have gone to Teva, which I 23 understand is a named defendant in the 24 case. And so they went with the Actavis</p>

<p style="text-align: right;">Page 282</p> <p>1 generic companies. So they would 2 probably be the best to answer that 3 topic. 4 Q. So Teva employees would be 5 the best to answer the topic about 6 Allergan activities? 7 MS. WELCH: Objection. 8 Misstates her testimony. 9 Objection to form. 10 THE WITNESS: Talking about 11 the Actavis generic business. 12 BY MR. MELAMED: 13 Q. The Actavis generic business 14 was part of Allergan Finance, correct? 15 MS. WELCH: Objection. 16 Outside the scope of the noticed 17 topics. She's not a corporate 18 structure witness. 19 THE WITNESS: Keep going. 20 MR. MELAMED: A corporate 21 structure witness couldn't answer 22 this either, so it's fair you 23 can't answer it. 24 BY MR. MELAMED:</p>	<p style="text-align: right;">Page 284</p> <p>1 to the statement I just made on 2 that. 3 BY MR. MELAMED: 4 Q. Did Allergan ever provide 5 funding for any research concerning 6 opioids published by any of the entities 7 or individuals listed A through AA of 8 Subtopic 11? 9 A. Sorry, I need you to restate 10 that again. Did Allergan what? 11 Q. Provide any funding for any 12 research published by any of the listed 13 entities and individuals in Topic 11. 14 MS. WELCH: I think the 15 first -- I'll object. I think you 16 restated the question much more 17 broadly than you originally did. 18 MR. MELAMED: I restated it 19 without opioids. I'm sorry. 20 Thank you. I'm sorry. I'll 21 restate it again. 22 BY MR. MELAMED: 23 Q. Did Allergan ever provide 24 funding for any research concerning</p>
<p style="text-align: right;">Page 283</p> <p>1 Q. If you can, I'd like an 2 answer; if not, that's okay. 3 A. I don't really want to 4 misstate the corporate structure. 5 I mean, my understanding is 6 that the people with primary 7 responsibility for the Actavis generic 8 opioids, I want to make sure I'm saying 9 this right, remained with the Actavis 10 generic company or left the company 11 altogether at the time of the 12 transaction. 13 So I would refer you to the 14 Actavis generic companies, which is now 15 Teva. 16 Q. Prior to their transfer to 17 Teva, they were part of some Actavis 18 entity, correct? 19 MS. WELCH: Objection to 20 form. And objection, it's outside 21 the scope of the topics. 22 THE WITNESS: Again, I don't 23 know the corporate structure, who 24 employed who. So I would go back</p>	<p style="text-align: right;">Page 285</p> <p>1 opioids published by any of the entities 2 and individuals listed in Topic 11? 3 A. Based on my research, not to 4 my knowledge. 5 Q. Did you -- in preparing for 6 today's testimony, did you ask anybody 7 whether Allergan had ever provided such 8 funding? 9 A. No. I specifically, as I 10 mentioned, reviewed Jennifer's testimony 11 regarding the relationships with the 12 specific entities. 13 Q. Did you talk to anybody else 14 in preparation for today about the 15 Topic -- about Topic 11, other than 16 Jennifer Altier? 17 A. I believe she was the only 18 person specifically for this topic. You 19 know, with the -- as I mentioned several 20 times with the generic companies, those 21 employees are no longer here with 22 Allergan. 23 Q. And you spoke to her as well 24 as reviewing her testimony, correct?</p>

<p style="text-align: right;">Page 286</p> <p>1 A. I spoke to her, yes. I 2 spoke to Jennifer. And I -- I mean, I 3 spoke to her a couple of times. I don't 4 remember which specific things I'm 5 getting from her transcript versus I 6 have -- the note I have to myself here is 7 reviewed deposition transcript. So I 8 think that was the source for the 9 information regarding this topic. 10 Q. Did you do anything to 11 prepare for answering Topic 11 concerning 12 Watson Pharmaceuticals before it merged 13 with Actavis? 14 A. No. This goes back to the 15 conversation that we've had about the 16 people who are no longer with the 17 company. 18 Q. So is it fair to say that 19 you are not prepared to answer Topic 11 20 to the extent the answer concerns Watson 21 Pharmaceuticals, Inc.? 22 A. I would say based on the 23 review that I did and the conversations, 24 that I don't -- I didn't find any</p>	<p style="text-align: right;">Page 288</p> <p>1 if I -- if there's any Allergan 2 current relationship with the 3 people or topics listed here? 4 BY MR. MELAMED: 5 Q. We can go through the same 6 series of questions I asked you about 7 Actavis, which you were prepared to 8 answer at least some of, and go through 9 those questions with Allergan PLC. 10 My assumption is that you're 11 going to say that you are not here 12 representing Allergan PLC and, therefore, 13 you can't answer these questions on 14 behalf of it. If that's true, we can 15 shortcut it. 16 Are you prepared to 17 answer -- to provide testimony on Topic 18 11 on behalf of Allergan PLC? 19 MS. WELCH: Objection to 20 form. And, again, I'll make it 21 clear that you keep asking the 22 witness if she's prepared to 23 testify on behalf of Allergan PLC. 24 I'm going to object to that,</p>
<p style="text-align: right;">Page 287</p> <p>1 information about relationships with 2 these named people or entities. 3 Q. And in preparation to answer 4 this question, you primarily reviewed 5 Jennifer Altier's transcript, right? 6 A. Yes, that's correct. 7 Q. Do you know if she ever 8 worked at Watson Pharmaceuticals, Inc.? 9 A. I don't believe she does. 10 Q. Do you know if she was asked 11 any questions during her deposition about 12 Watson Pharmaceuticals, Inc.? 13 A. I don't think she was. 14 Q. Or otherwise provided 15 testimony about Watson Pharmaceuticals, 16 Inc.? 17 A. Not that I recall. 18 Q. Can you answer Topic 11 on 19 behalf of Allergan PLC? 20 MS. WELCH: Objection to 21 form. Objection to the extent 22 that it is outside of the noticed 23 topics. 24 THE WITNESS: Are you asking</p>	<p style="text-align: right;">Page 289</p> <p>1 she's designated on behalf of 2 Allergan Finance LLC. 3 MR. MELAMED: So is the 4 answer no? 5 MS. WELCH: I'm going to 6 object to the question and make 7 clear that what you're not asking 8 her is if she can -- what review 9 she did about what happened. 10 But she's not testifying on 11 behalf of an entity that there's 12 been no notice served on. So -- 13 or I should say has not been 14 served in the case and no proper 15 notice has been served on. 16 BY MR. MELAMED: 17 Q. Did Allergan PLC have any 18 relationship with or pay any compensation 19 to any of the entities and individuals 20 listed A to AA in Topic 11? 21 A. I'm talking specifically 22 about Allergan Finance. And I've said a 23 couple of times that there was no 24 relationships with these organizations</p>

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<p>1 that I was aware of.</p> <p>2 Q. You've testified that there</p> <p>3 are no relationships you were aware of</p> <p>4 between these organizations and Allergan</p> <p>5 Finance, correct?</p> <p>6 A. And Allergan Finance for the</p> <p>7 purposes of promoting Kadian and Norco,</p> <p>8 is what I had specified.</p> <p>9 Q. Are you aware whether there</p> <p>10 are any relationships with compensation</p> <p>11 paid by Allergan PLC to any of the</p> <p>12 entities or individuals listed A through</p> <p>13 AA concerning opioids?</p> <p>14 A. I'm not aware. And my</p> <p>15 understanding is that I'm not testifying</p> <p>16 on behalf of Allergan PLC.</p> <p>17 Q. I just wanted to know, as</p> <p>18 you sit here today, testifying on behalf</p> <p>19 of Allergan Finance, if you know of any.</p> <p>20 And if the answer is no, that's fine, we</p> <p>21 can move on.</p> <p>22 MS. WELCH: Can we take a</p> <p>23 break?</p> <p>24 MR. MELAMED: Sure.</p>	<p>1 VIDEO TECHNICIAN: Going</p> <p>2 back on record. Beginning of</p> <p>3 Media File Number 6. The time is</p> <p>4 3:37.</p> <p>5 THE WITNESS: So just</p> <p>6 picking back up on Topic Number</p> <p>7 11, I think my confusion was</p> <p>8 around the terminology you used.</p> <p>9 I think you said general opioids,</p> <p>10 or I don't remember the exact</p> <p>11 word, and I was understanding that</p> <p>12 to mean the generic opioids.</p> <p>13 So I want to make sure that</p> <p>14 I specifically answer your</p> <p>15 questions related to Kadian and</p> <p>16 Norco and the -- and, you know,</p> <p>17 based on everything that I've</p> <p>18 reviewed, you know, my</p> <p>19 conversations with Jennifer, all</p> <p>20 the documents and everything that</p> <p>21 I reviewed, you know, I'm</p> <p>22 testifying on behalf of Allergan</p> <p>23 Finance, but I'm testifying for</p> <p>24 any Allergan -- I'm saying that</p>
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<p>1 BY MR. MELAMED:</p> <p>2 Q. Is the answer no?</p> <p>3 A. The answer is no.</p> <p>4 MR. MELAMED: Can I just ask</p> <p>5 one more question?</p> <p>6 BY MR. MELAMED:</p> <p>7 Q. Are you aware of any</p> <p>8 relationships with compensation paid by</p> <p>9 Actavis PLC to any of the entities listed</p> <p>10 in Topic 11, Sub A through AA?</p> <p>11 A. I'm trying to figure out the</p> <p>12 corporate structure again; Actavis PLC,</p> <p>13 Actavis Inc., Allergan.</p> <p>14 I can't answer that question</p> <p>15 because the structure is beyond the scope</p> <p>16 of my knowledge.</p> <p>17 MR. MELAMED: Okay. We can</p> <p>18 go off the record.</p> <p>19 VIDEO TECHNICIAN: Going off</p> <p>20 the record. The time is 3:21.</p> <p>21 - - -</p> <p>22 (Whereupon, a brief recess</p> <p>23 was taken.)</p> <p>24 - - -</p>	<p>1 any Allergan entity, there were no</p> <p>2 payments that were made, in</p> <p>3 anything that I found, to any of</p> <p>4 these organizations.</p> <p>5 So setting generics aside</p> <p>6 for a second, because I think that</p> <p>7 was what was causing my confusion,</p> <p>8 that, you know, there -- in</p> <p>9 everything that I saw, I mean,</p> <p>10 marketing budgets, there were no</p> <p>11 payments that were made to any of</p> <p>12 these for any Allergan entity,</p> <p>13 including PLC.</p> <p>14 The generic piece that I was</p> <p>15 talking about, I have not seen</p> <p>16 anything regarding -- regarding</p> <p>17 payments made on behalf of the</p> <p>18 generics. But I think my comment</p> <p>19 there was really that the best</p> <p>20 people to answer that would be the</p> <p>21 people who were -- remained with</p> <p>22 the Actavis generic companies that</p> <p>23 went to Teva.</p> <p>24 So I just wanted to clarify</p>

<p style="text-align: right;">Page 294</p> <p>1 that, since I was confused by the 2 general marketing meaning that it 3 was unbranded as opposed to the 4 generics. 5 BY MR. MELAMED: 6 Q. Thank you for the 7 clarification. 8 In that clarification, you 9 just said, I'm testifying on behalf of 10 Allergan Finance, but also can speak to 11 all Allergan entities. 12 That includes Allergan PLC? 13 A. So in my review of 14 everything there, the -- I am testifying 15 that there were -- yes, including PLC, 16 there were no Allergan -- there were no 17 payments that were made to any of 18 these -- any of these organizations. 19 Q. Did you review documents 20 from Allergan PLC in which you would look 21 for such payments? 22 A. I mean, I reviewed all of 23 the marketing budgets that I could find 24 related to Kadian and Norco.</p>	<p style="text-align: right;">Page 296</p> <p>1 Q. -- made to any of these 2 entities and individuals. 3 Let's -- starting with that, 4 did you review Watson Pharmaceuticals, 5 Incorporated documents reflecting -- to 6 look to see whether there were any 7 payments concerning Norco to any of these 8 individuals or entities in Topic 11? 9 A. To the extent those -- that 10 those documents, I didn't find any 11 documents that existed related to 12 payments going back that far. I think we 13 talked about this. 14 Q. What did you do to attempt 15 to look for documents related to payments 16 going back that far? 17 A. We looked for marketing 18 budgets, but didn't find any. They were 19 available for Kadian, but not for Norco, 20 which is where you would likely see 21 listings of that information. 22 Q. Did you look at -- let me 23 withdraw that. 24 It's your belief that any</p>
<p style="text-align: right;">Page 295</p> <p>1 I personally now work on the 2 Allergan -- I work on the marketing, 3 there is none, but I work on these brands 4 and there are no payments that are made 5 to any of these organizations. 6 Q. And in response to the 7 clarification, I'm just trying to figure 8 out what -- who is encompassed in the 9 "any Allergan entity." 10 Does that include Watson 11 Pharmaceuticals, Inc.? 12 A. So in talking specifically 13 about -- I'm trying to make sure that I 14 get this correct and understand the full 15 corporate structure. 16 But as far as any -- you 17 know, everything that I reviewed, I saw 18 no information about any payments related 19 to Kadian or Norco of any entity. 20 That's it. 21 Q. I understand that you saw no 22 payments concerning -- specific to Kadian 23 or Norco -- 24 A. Right.</p>	<p style="text-align: right;">Page 297</p> <p>1 payments to any of the individuals or 2 entities in Topic 11 would be reflected 3 in any marketing budget for the entity 4 making the payment; is that right? 5 A. It's a pretty general 6 statement, but the marketing budget is 7 usually where these -- you know, any 8 marketing activities would be accounted 9 for. 10 Q. And in the marketing budgets 11 you reviewed, there were detailed line 12 items for marketing efforts -- as 13 specific as these marketing efforts in 14 Topic 11? 15 MS. WELCH: Objection. 16 BY MR. MELAMED: 17 Q. I'm trying to figure out -- 18 MS. WELCH: Objection to 19 form. 20 MR. MELAMED: Let me 21 withdraw that. 22 BY MR. MELAMED: 23 Q. Do you know if the marketing 24 budgets you reviewed have been produced</p>

<p style="text-align: right;">Page 298</p> <p>1 in this litigation?</p> <p>2 A. I assume they have been.</p> <p>3 Q. You don't know either way,</p> <p>4 but your assumption is they have been?</p> <p>5 A. My assumption is all the</p> <p>6 documents, yes, have been produced.</p> <p>7 Q. Do you remember whether they</p> <p>8 had Bates numbers at the bottom?</p> <p>9 A. I can look. I think I do</p> <p>10 have that information. Let me just pull</p> <p>11 up my -- budgets, 32.</p> <p>12 Yes. So if you turn to, in</p> <p>13 Exhibit-3, and Page 17, if you look at</p> <p>14 the response, there is reference to</p> <p>15 budgets for Kadian from 2009, '10, and</p> <p>16 I'm going over to Page 18, '11, '12 and</p> <p>17 '13. And those Bates numbers are listed</p> <p>18 there.</p> <p>19 Q. Okay. And if you had -- if</p> <p>20 Allergan Finance had made any payments to</p> <p>21 any of the entities listed in Topic 11 --</p> <p>22 let me withdraw that and preface this</p> <p>23 question first.</p> <p>24 Do you see in your</p>	<p style="text-align: right;">Page 300</p> <p>1 the details behind that and broken down,</p> <p>2 a lot of times, into production and</p> <p>3 claims and different categories within</p> <p>4 that.</p> <p>5 Q. So you were able to</p> <p>6 answer -- is it true that you were able</p> <p>7 to answer Topic 11 on behalf of any</p> <p>8 Allergan entity?</p> <p>9 That was the clarification</p> <p>10 you offered when you came back in, and</p> <p>11 I'm just trying to get -- understand the</p> <p>12 scope of the clarification.</p> <p>13 MS. WELCH: And I'll object.</p> <p>14 And I'll just make the point that</p> <p>15 I think if you can exclude</p> <p>16 generics and ask her the question,</p> <p>17 she can -- and then if you can</p> <p>18 break it out two ways, you'll get</p> <p>19 a different level of --</p> <p>20 MR. MELAMED: Thank you.</p> <p>21 MS. WELCH: -- granularity.</p> <p>22 BY MR. MELAMED:</p> <p>23 Q. For branded opioids in Topic</p> <p>24 11 --</p>
<p style="text-align: right;">Page 299</p> <p>1 description on Page 17 of Exhibit-3, for</p> <p>2 instance, the 2009 Allergan Finance</p> <p>3 marketing budget, you have categories of</p> <p>4 expenditures?</p> <p>5 A. Yes.</p> <p>6 Q. Co-pay assistance, patient</p> <p>7 assistance, et cetera.</p> <p>8 A. Uh-huh.</p> <p>9 Q. If Allergan Finance had made</p> <p>10 payments to any of the entities listed in</p> <p>11 Topic 11, which category, as reflected on</p> <p>12 Page 17, would those payments be recorded</p> <p>13 in?</p> <p>14 A. I would expect them to be a</p> <p>15 separate category. If you want to pull</p> <p>16 up the budgets, we can look through. But</p> <p>17 each category has detailed information on</p> <p>18 who the -- you know, who the payment was</p> <p>19 made to and who the marketing -- or who</p> <p>20 the marketing activity was -- was</p> <p>21 budgeted for.</p> <p>22 For example, you know, for</p> <p>23 the co-pay program, if Meta Media was</p> <p>24 administering that program, it would say</p>	<p style="text-align: right;">Page 301</p> <p>1 A. Yes.</p> <p>2 Q. -- your testimony is that</p> <p>3 you are able to answer that question as</p> <p>4 to all Allergan entities; is that</p> <p>5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. And if it's not, please</p> <p>8 clarify.</p> <p>9 A. Yes. For branded opioids in</p> <p>10 all of the documents that I reviewed,</p> <p>11 everything that I looked at, the</p> <p>12 marketing budgets that I reviewed, I saw</p> <p>13 no payments related to any of those</p> <p>14 listed entities or people.</p> <p>15 Q. Did you have -- do you have</p> <p>16 marketing -- withdraw that.</p> <p>17 Did you review marketing</p> <p>18 budgets going back to 1997?</p> <p>19 A. I reviewed all marketing</p> <p>20 budgets that were available to me. The</p> <p>21 ones I found are listed here, starting in</p> <p>22 2009. But I didn't find anything that</p> <p>23 indicated there was any payment there.</p> <p>24 I was unable to locate at</p>

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1 all those documents related to Norco, as
2 they were pretty old.
3 Q. So you were able to say, on
4 behalf of all Allergan entities, that
5 there were no payments made relating to
6 Kadian for Topic 11; is that correct?
7 A. That's a correct statement.
8 But, also, I didn't find any
9 evidence of payments made regarding Norco
10 either.
11 Q. But you weren't able to find
12 marketing budgets --
13 A. I was not able to.
14 Q. -- from the time period
15 during which Norco was being actively
16 detailed to physicians; is that correct?
17 A. I was not able to find
18 marketing budgets going back that far.
19 Q. Thank you.
20 And then as to generic
21 opioids, you are unable to answer -- let
22 me pull that back.
23 As to generic opioids, your
24 testimony is that any payments related to

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1 generic opioids to the entities Topic 11,
2 Sub A through AA, are not payments
3 that -- to which you can -- about which
4 you can access information; is that
5 correct?
6 MS. WELCH: Objection to
7 form.
8 You can go ahead.
9 THE WITNESS: I would say,
10 you know, based on all the
11 investigation and the documents
12 that I reviewed, I didn't find
13 anything.
14 But, again, I maintain that
15 the people who had the primary
16 responsibility for generic opioids
17 were with Actavis generics and
18 they went to Teva.
19 BY MR. MELAMED:
20 Q. And then the third category
21 is the general opioids, not generic
22 opioids, so generally opioid promoting
23 or -- let me withdraw -- general opioid
24 materials or projects?

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1 A. So when you're talking
2 general --
3 MS. WELCH: I'm going to
4 object to the form there, because
5 it's a terminology that I know
6 confuses the witness.
7 MR. MELAMED: Right. I'm
8 just -- that's -- I'm trying to
9 ask it so we have clear testimony.
10 I understand the objection.
11 BY MR. MELAMED:
12 Q. Can you answer, on behalf of
13 Allergan Finance, whether it made any
14 payments or had any relationship with any
15 of the subentities in Topic 11 concerning
16 non -- general opioids but not specific
17 to any particular opioid?
18 A. So you're saying --
19 basically, I think what I would call
20 unbranded, unbranded. So just general
21 information about opioids, is what you're
22 saying, right?
23 Q. That's not precisely my
24 question, but that's a good way of

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1 interpreting it.
2 A. So in all the review that I
3 did, I mean, that -- even if it's not
4 related to a specific brand, if it was
5 done, you know, unbranded marketing, it
6 would still show up in a Kadian budget,
7 for example, if the Kadian marketing team
8 was working with any of these
9 organizations.
10 And in my reviews of that,
11 there were no line items related to any
12 of these organizations. As well as
13 Jennifer specifically told me that there
14 were no relationships, with the one
15 exception that I talked about for Perry
16 Fine for MoxDuo, which she testified
17 about that he was part of an advisory
18 board.
19 Q. But you were unable to
20 review marketing budgets related to
21 generic opioids -- let me phrase that as
22 a question.
23 Were you able to review
24 marketing budgets related to generic

<p style="text-align: right;">Page 306</p> <p>1 opioids in preparation for today's 2 testimony? 3 A. The -- I requested 4 information regarding anything that was 5 available for marketing budgets. And, 6 no, there was nothing that was still 7 available with our company related to 8 generic opioids. 9 Q. So you can testify that 10 there were no payments to any of these 11 individuals or groups reflected in the 12 Kadian budgets for any entity, correct? 13 A. That's correct. 14 Q. At the same time, you are 15 unable to testify whether there were any 16 payments made to any of these entities 17 that were made from the generic opioids 18 budget; is that correct? 19 A. The generic opioids budgets, 20 as I understand, are with those 21 individuals who created those budgets. 22 And they would likely be with Teva, who, 23 as I've mentioned a couple of times, are 24 a defendant in the case.</p>	<p style="text-align: right;">Page 308</p> <p>1 Any Allergan entity; is that correct? 2 MS. WELCH: Objection to 3 form. 4 THE WITNESS: So the only 5 budget information -- let me make 6 sure I get this correct. 7 There's something specific 8 I'm looking for. Just give me a 9 minute. 10 So if you turn to Page -- 11 Exhibit-3, Page 22, Topic 38, the 12 response. 13 So I do want to reflect that 14 in terms of budgeting, there was 15 some funding that was related to 16 the Ventiv sales force and those 17 contracts. They received 18 compensation for informing doctors 19 about the availability of generic 20 oxymorphone in 2011. 21 I believe the total budget 22 was about \$20,000. So when I say 23 that, you know, in terms of what 24 budget information I was able to</p>
<p style="text-align: right;">Page 307</p> <p>1 Q. Just to -- I'm just trying 2 to make a simple point that I think 3 you're going to agree with, not 4 obviously. 5 Because you weren't able to 6 look at generic opioid budgets, you can't 7 tell whether any payments were made to 8 any of these entities or individuals out 9 of any generic opioid budget that at one 10 time was in Actavis's control? 11 MS. WELCH: Objection to 12 form. Specifically now we're 13 talking about generic opioid 14 budget, and I'm not sure -- I 15 predict that's going to confuse 16 again. 17 MR. MELAMED: I agree that 18 the topic and corporate entities 19 are very confusing. 20 THE WITNESS: So the -- you 21 want me to -- 22 BY MR. MELAMED: 23 Q. You had no access to generic 24 opioid budgets from Allergan, correct?</p>	<p style="text-align: right;">Page 309</p> <p>1 obtain for generics, I want to 2 make sure that I mention that. 3 BY MR. MELAMED: 4 Q. Is it fair to say that you 5 had fairly limited access to budget 6 information about generic opioids? 7 A. I think it's fair to say 8 that we -- we talked about this a few 9 times, that my understanding is a lot of 10 the detailed information about generic 11 opioids is in possession of the Actavis 12 generic companies that were sold to Teva. 13 Q. Is it fair to say that it is 14 possible payments to the individuals and 15 entities in Topic 11 could have been made 16 from the generic opioids budget? 17 MS. WELCH: Objection. 18 Calls for speculation. 19 THE WITNESS: In everything 20 I reviewed, I did not see 21 anything. And I don't want to 22 speculate what might exist in the 23 files for a different entity. 24 BY MR. MELAMED:</p>

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1 Q. So the company doesn't know
2 whether that information may exist in
3 files that it formerly possessed?
4 MS. WELCH: Same objection.
5 THE WITNESS: I don't want
6 to -- like I said, I don't want to
7 speculate.
8 In all my review, I didn't
9 see anything that related to
10 payments to any of these
11 organizations.
12 BY MR. MELAMED:
13 Q. Did Allergan ever have any
14 relationship with the Healthcare
15 Distributor Association, also referred to
16 sometimes as HDA?
17 MS. WELCH: Objection.
18 Outside the scope of the noticed
19 topics.
20 I believe that Mary Woods
21 has been designated on that topic.
22 BY MR. MELAMED:
23 Q. Do you know the answer to
24 the question?

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1 MS. WELCH: Objection.
2 Outside the scope of the noticed
3 topics. Mary Woods is designated
4 on Topic 16.
5 THE WITNESS: My
6 understanding is Mary is
7 designated on that.
8 BY MR. MELAMED:
9 Q. Do you have an answer, is my
10 question?
11 MR. MELAMED: The objection
12 is noted.
13 THE WITNESS: What's the
14 question -- I'm sorry, what's the
15 question?
16 MS. WELCH: She's not
17 designated to speak on behalf of
18 the company on Topic 16. She does
19 not have an answer on behalf of
20 the company.
21 MR. MELAMED: You can't
22 answer for her.
23 MS. WELCH: If you want to
24 ask her in her personal

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1 capacity --
2 MR. MELAMED: I'm going to
3 ask her -- I'm going to ask her
4 the question. You've objected.
5 That's fair. And she can answer.
6 BY MR. MELAMED:
7 Q. Did Allergan ever have any
8 relationship with Healthcare Distributor
9 Association, also referred to sometimes
10 as HDA?
11 MS. WELCH: Objection.
12 Outside of the scope of the
13 noticed topics. She cannot
14 testify on behalf of the company
15 on Topic 16.
16 If you have any personal
17 knowledge, you can answer the
18 question.
19 THE WITNESS: I don't know.
20 MR. MELAMED: Thank you for
21 the instruction.
22 BY MR. MELAMED:
23 Q. Did Allergan ever have a
24 relationship with the National

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1 Association of Chain Drug Stores?
2 MS. WELCH: Objection.
3 Outside of the scope of the
4 noticed topics.
5 THE WITNESS: I don't know.
6 BY MR. MELAMED:
7 Q. You don't know?
8 A. I don't know.
9 Q. Okay. Did Allergan ever
10 have any relationship with the National
11 Initiative on Pain Control, NIPC?
12 MS. WELCH: Objection.
13 Outside the scope of the noticed
14 topics. She is not prepared on
15 that topic.
16 BY MR. MELAMED:
17 Q. Do you know?
18 A. I don't know.
19 Q. Okay. NIPC is the former
20 name of the American Pain Foundation.
21 But I take it your answer is
22 still the same; is that correct?
23 A. Yeah. Is that one of the --
24 Q. That was one of the listed

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1 companies from before. I just want to
2 make sure that we captured their former
3 name.
4 MS. WELCH: To be clear,
5 that name does not appear in Topic
6 11. So if you're representing it
7 was a former name, that's fine.
8 BY MR. MELAMED:
9 Q. Do you --
10 MS. WELCH: It's outside --
11 BY MR. MELAMED:
12 Q. Do you know --
13 MS. WELCH: -- the scope of
14 the noticed topics.
15 BY MR. MELAMED:
16 Q. Do you know whether Allergan
17 ever had a relationship with the National
18 Initiative on Pain Control?
19 MS. WELCH: Same objection.
20 THE WITNESS: I don't know.
21 BY MR. MELAMED:
22 Q. Do you know if Allergan ever
23 had a relationship with the Alliance for
24 Patient Access?

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1 MS. WELCH: Same objection.
2 Outside of the noticed topics.
3 THE WITNESS: I don't know.
4 I prepared for the specific
5 topics.
6 BY MR. MELAMED:
7 Q. If you don't know, you
8 don't. That's -- and that's your answer.
9 That's fine.
10 Did Allergan ever have a
11 relationship with the Pharmaceutical
12 Research and Manufacturers of America or
13 PhRMA, P-H-R-M-A?
14 MS. WELCH: Same objection.
15 Outside of the noticed topics.
16 To the extent you want
17 testimony on behalf of the
18 company, it should be directed in
19 a topic for the company to prepare
20 a witness.
21 If you want to ask the
22 witness if she knows personally,
23 you're able to do that. But
24 you're not entitled to simply ask

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1 her question after question that
2 you know are outside of the scope
3 of the noticed topics and ask her
4 to testify as a corporate
5 representative.
6 MR. MELAMED: You can
7 instruct her not to answer if you
8 think there's basis for
9 instructing her not to answer.
10 MS. WELCH: I'm going to
11 make my objection on the record.
12 MR. MELAMED: You've spent
13 five minutes making an objection,
14 when we have 14 hours of total
15 30(b)(6).
16 You made your objection.
17 Let her answer. If she says no,
18 we move on. If she says yes, then
19 I inquire.
20 MS. WELCH: And when you ask
21 for a topic -- ask on questions
22 outside the noticed topics, I will
23 make my objection.
24 MR. MELAMED: You can make

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1 an objection.
2 BY MR. MELAMED:
3 Q. Do you know whether Allergan
4 has ever had any relationship with
5 P-H-R-M-A, PhRMA, or the Pharmaceutical
6 Research and Manufacturers of America?
7 MS. WELCH: Objection.
8 Outside of the very detailed list
9 of noticed topics provided to the
10 witness on which we've prepared.
11 THE WITNESS: I don't know
12 for sure. I believe that -- I
13 believe we do, but I don't know
14 for sure.
15 BY MR. MELAMED:
16 Q. Who would you ask to find
17 out whether, and if so, the nature of the
18 relationship between Allergan and PhRMA?
19 A. I honestly don't know. I
20 probably would -- I'd probably ask Tom
21 Riley. I don't know if he would know,
22 but I would -- he might be someone that I
23 would ask, or at least ask to direct me
24 to someone who might know.

<p style="text-align: right;">Page 318</p> <p>1 Q. You've asked -- you've 2 mentioned Tom Riley before. 3 A. Yes. 4 Q. Sorry, I don't remember. 5 Can you remind me of his 6 position within the company right now? 7 A. He works in finance. 8 Q. How long has he been at the 9 company? 10 A. I believe a year. 11 Q. Can you identify each entity 12 that provided Allergan information about 13 the sales of opioid products in the U.S. 14 market? 15 MS. WELCH: Objection to 16 form. 17 THE WITNESS: So I assume 18 you're talking about Topic 12 and 19 who provided Allergan with sales, 20 distribution or prescribing data 21 about Kadian and Norco; is that 22 the nature of your question? 23 BY MR. MELAMED: 24 Q. You can start with that.</p>	<p style="text-align: right;">Page 320</p> <p>1 2010, '11 and '12, in terms of the opioid 2 market data. 3 And, I mean, you'll see here 4 listed, it was IMS, MediMedia, Tegra 5 Analytics, ValueCentric and, I believe, 6 there's one more, Wolters Kluwer. 7 Q. Do you know whether the 8 company has continued to receive 9 information from any third parties 10 concerning the U.S. opioid -- U.S. opioid 11 market after 2012? 12 A. Yes. In my current role, I 13 believe I get some monthly prescription 14 data for Kadian. So there are -- I do 15 still receive some IMS data. 16 Q. You receive that from IQVIA, 17 which is formerly named IMS? 18 A. From IQVIA, yes. 19 Q. Since -- starting in 2013, 20 has the company received any other 21 information about sales, distribution or 22 prescribing data in the U.S. opioid 23 market from third parties? 24 A. Yes. We currently also</p>
<p style="text-align: right;">Page 319</p> <p>1 That wasn't the specific question, but we 2 can start with that information. 3 A. Sure. And there's a 4 specific exhibit, Exhibit-4, that walks 5 through the types of data that -- sorry, 6 I'm stuck on my cord. 7 Sorry about that. 8 So, yes, specifically 9 about -- or we're talking specifically 10 about people who provided Allergan 11 Finance with sales or prescribing data. 12 So I can walk through that, 13 as I mentioned, Exhibit-4. 14 Q. You don't need to walk 15 through it. 16 Does this list every entity 17 that provided Allergan Finance with sales 18 or prescribing data concerning opioids in 19 the U.S. market? 20 A. So this information is 21 during a certain -- during a specific 22 time period. So the contracts that I was 23 able to find were for the years, if you 24 look, some of these are mainly 2009,</p>	<p style="text-align: right;">Page 321</p> <p>1 receive ValueCentric data, I believe. 2 Q. And is that -- do you 3 receive that data on a market -- an 4 opioid market-wide basis? 5 A. I believe we only receive it 6 for Norco and Kadian, for our branded 7 products. 8 Q. Did Actavis receive -- 9 withdraw that. 10 Did Allergan receive any 11 information from any third parties 12 related to sales, distribution or 13 prescribing data about the U.S. opioid 14 market prior to 2009? 15 A. Prior to 2009, I didn't find 16 any contracts about specific information. 17 Since the products were detailed and 18 the -- in talking to Dirk, the 19 representatives had -- Dirk Pica, had, 20 you know, target lists, I would assume 21 there were data -- there was data that 22 was provided. I didn't find the specific 23 contracts, though. 24 Q. Do you know whether any</p>

<p style="text-align: right;">Page 322</p> <p>1 third parties provided Watson 2 Pharmaceuticals Inc., prior to the merger 3 with Actavis, with information concerning 4 sales, distribution or prescribing data 5 on the U.S. opioid market? 6 MS. WELCH: Objection to 7 form. 8 THE WITNESS: In my review, 9 I think I've mentioned this, but I 10 haven't seen documents from 11 contracts from -- going back that 12 far. So I'm not aware of the 13 specifics. 14 BY MR. MELAMED: 15 Q. Do you know if Allergan ever 16 received information from third-party 17 distributors regarding sales, 18 distribution or prescribing data in the 19 U.S. opioid market? 20 A. When you say "third-party 21 distributors," do you have a specific -- 22 Q. What about, did it ever 23 receive information from McKesson 24 concerning that information?</p>	<p style="text-align: right;">Page 324</p> <p>1 and receive are more related to 2 the -- to the marketing and the 3 sales. And so that may be a 4 better question for her. 5 BY MR. MELAMED: 6 Q. As you sit here today, 7 though, you are not aware of any 8 information received by Allergan from 9 McKesson concerning the sales, 10 distribution or prescribing of opioids in 11 the U.S. market; is that correct? 12 MR. BAILEY: Objection to 13 form. 14 THE WITNESS: I'm trying to 15 think through the systems and how 16 that data might be provided. 17 I'm not -- I'm not aware of 18 specific contracts with 19 distributors to provide data. 20 BY MR. MELAMED: 21 Q. Are you aware of any 22 information Allergan received from 23 Cardinal Health concerning sales, 24 distribution, or prescribing of opioids</p>
<p style="text-align: right;">Page 323</p> <p>1 A. I don't know for sure. I 2 haven't seen any contracts specifically 3 with McKesson. 4 Q. What about Cardinal? 5 A. So my understanding is that 6 the data we received from ValueCentric is 7 the basis for, you know, inventory data 8 that we get regarding, you know, what the 9 inventory is at McKesson or Cardinal. 10 So my understanding is the 11 source for that data was ValueCentric. 12 Q. So your understanding is you 13 do not receive any information directly 14 from McKesson about sales and 15 distribution and prescribing data in the 16 U.S. opioid market; is that right? 17 MR. BAILEY: Objection to 18 form. 19 THE WITNESS: I'm not aware 20 of the specific information that 21 is exchanged there. That may be 22 better for -- a topic for someone 23 like Mary Woods. 24 The data that I look through</p>	<p style="text-align: right;">Page 325</p> <p>1 in the U.S. market? 2 MR. MCBRIDE: Object to 3 form. 4 THE WITNESS: Repeat that 5 again, please. 6 BY MR. MELAMED: 7 Q. Are you aware of any 8 information you received from Cardinal 9 Health concerning the sales of opioids in 10 the U.S. market? 11 MR. MCBRIDE: Same 12 objection. 13 THE WITNESS: That's a 14 pretty broad question. And I know 15 that, you know, when the 16 wholesalers order, I think I 17 talked about this earlier in the 18 general supply chain, that 19 wholesalers will order product 20 from a pharmaceutical company and 21 the -- and then we provide that -- 22 via UPS, provide that to the 23 wholesaler. 24 As far as the -- so they're</p>

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1 providing information, in terms of
2 what they are -- I just want to
3 make sure I'm not misinterpreting
4 your question.
5 So they are providing
6 information in terms of what they
7 want to order, you know, what
8 their orders are.
9 BY MR. MELAMED:
10 Q. Are they providing any
11 broader information about opioid sales on
12 the U.S. market at large?
13 MS. WELCH: Objection.
14 Outside of the scope of the
15 noticed topics for her.
16 I think she's correct that
17 Mary Woods may be providing
18 testimony on that topic.
19 You can go ahead if you
20 know.
21 THE WITNESS: I don't know.
22 BY MR. MELAMED:
23 Q. And I assume your answer, I
24 don't want to answer for you, but I

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1 assume your answer is the same for
2 AmerisourceBergen; is that correct?
3 A. Yes, that's correct.
4 Q. Exhibit-4, which is the
5 chart prepared for -- to answer Topic 12.
6 A. Yes.
7 Q. It lists the primary point
8 of contact at each of the entities that
9 provided Allergan information, is that
10 correct, information as specified by
11 Topic 12?
12 A. Yes.
13 Q. Does it provide the point of
14 contact at Allergan for the relationship
15 with the entity?
16 A. This does not. I believe
17 there -- in Topic 13 there were lists of
18 people who -- I'm sorry, on Page --
19 Exhibit-3, Page 8, in Topic 13, of people
20 who received the data. And if the -- the
21 contracts themselves would have been
22 signed by someone at the company who --
23 so we would be able to get that
24 information. But I don't have that right

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1 here in front of me.
2 Q. Is the person who executed
3 the contract on behalf of Allergan the
4 person who was the primary contact for
5 the relationship?
6 Is that what you're saying?
7 If we look to the contract and look who
8 signed on Allergan's behalf, and we would
9 know who the primary point of contact was
10 for Allergan?
11 A. The person signing the
12 agreement may not have been the person
13 using the data. I don't remember
14 specifically, but my thought is Jennifer
15 Altier was probably not signing contracts
16 when she was an employee of the company,
17 but she would have been the person using
18 a lot of the data. So I'm making that
19 distinction.
20 Q. Were there different points
21 of contact within Allergan for the
22 different entities listed in response to
23 Exhibit-4?
24 MS. WELCH: Objection to

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1 form.
2 THE WITNESS: Say that
3 again, please.
4 BY MR. MELAMED:
5 Q. So Exhibit-4, which is the
6 chart you provided in response to Topic
7 12, lists -- I believe you listed five
8 entities. It is what it is.
9 Is the person who is
10 Allergan's point of contact -- primary
11 point of contact with IQVIA, or
12 I-Q-V-I-A, the same as the person who was
13 Allergan's primary point of contact with
14 MediMedia?
15 A. I don't remember who signed
16 those contracts. I don't think it was
17 the same person.
18 But as far as, you know, who
19 was using the data and who was receiving
20 the data, they were similar people;
21 Jennifer Altier and Nathalie used this
22 data. But I don't remember who
23 specifically signed the contracts.
24 Q. How did Jennifer Altier use

<p style="text-align: right;">Page 330</p> <p>1 this data?</p> <p>2 A. So she would provide it to</p> <p>3 Tegra Analytics. I believe that's the</p> <p>4 name of the company. Yes, Tegra</p> <p>5 Analytics, if you go to Page 3 of</p> <p>6 Exhibit-4.</p> <p>7 And, you know, these -- I</p> <p>8 don't know the exact format that these</p> <p>9 databases came in, but they would send</p> <p>10 them over to Tegra Analytics, who would</p> <p>11 provide the three different types of</p> <p>12 reports that are listed here on Page 3 of</p> <p>13 Exhibit-4: weekly prescription reporting</p> <p>14 at the territory, regional and national</p> <p>15 levels; weekly company management reports</p> <p>16 that helps them monitor trends; and</p> <p>17 incentive compensation reporting.</p> <p>18 Q. So in Exhibit-4, on Page 3,</p> <p>19 under Tegra Analytics, for instance,</p> <p>20 there's an introduction about the</p> <p>21 services agreement and then a</p> <p>22 discrimination of the services provided</p> <p>23 in three bullet points, right?</p> <p>24 A. Correct.</p>	<p style="text-align: right;">Page 332</p> <p>1 Q. Same question --</p> <p>2 MR. MELAMED: And if you're</p> <p>3 able to tell me, Donna, that would</p> <p>4 be helpful.</p> <p>5 BY MR. MELAMED:</p> <p>6 Q. -- for the second master</p> <p>7 services agreement that starts on the</p> <p>8 bottom of Page 3 and continues on Page 4.</p> <p>9 It describes monthly</p> <p>10 prescription reporting, weekly management</p> <p>11 reporting, ad hoc services and incentive</p> <p>12 comp reporting.</p> <p>13 MR. MELAMED: Have those</p> <p>14 been produced?</p> <p>15 MS. WELCH: Yes.</p> <p>16 BY MR. MELAMED:</p> <p>17 Q. Do you know whether Watson</p> <p>18 Pharmaceuticals, Incorporated, received</p> <p>19 reports -- let me withdraw that.</p> <p>20 Do you know if Watson</p> <p>21 Pharmaceuticals, Incorporated, had</p> <p>22 relationships with third-party entities</p> <p>23 to provide sales, distribution or</p> <p>24 prescribing data about opioids in the</p>
<p style="text-align: right;">Page 331</p> <p>1 Q. And that references a Bates</p> <p>2 number document that I presume is the</p> <p>3 services agreement, is my assumption</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. The -- under the</p> <p>7 services agreement as reflected in</p> <p>8 Exhibit-4, Tegra Analytics would provide</p> <p>9 Actavis Kadian LLC a series of reports.</p> <p>10 First bullet is weekly</p> <p>11 prescription reporting at a series of</p> <p>12 levels; second is weekly company</p> <p>13 management reporting; and then the third</p> <p>14 is incentive compensation reporting.</p> <p>15 A. Yes.</p> <p>16 Q. Do you know if those reports</p> <p>17 have been produced in this litigation?</p> <p>18 A. I'm not sure. I'm not sure.</p> <p>19 I don't know if my attorneys can speak to</p> <p>20 that.</p> <p>21 MS. WELCH: Matt, I'll</p> <p>22 represent that they have all been</p> <p>23 produced.</p> <p>24 BY MR. MELAMED:</p>	<p style="text-align: right;">Page 333</p> <p>1 U.S. market?</p> <p>2 A. So I wasn't able to get any</p> <p>3 of those agreements. Based on my</p> <p>4 conversations with Dirk Pica, you know,</p> <p>5 like I said, they have a target list and</p> <p>6 so that was likely developed from the</p> <p>7 data that would have been provided by one</p> <p>8 of these types of companies.</p> <p>9 Q. And I know you said you</p> <p>10 couldn't find the contracts.</p> <p>11 Do you know which or --</p> <p>12 which company or companies provided that</p> <p>13 data to Watson Pharmaceuticals,</p> <p>14 Incorporated?</p> <p>15 A. No, I'm not sure. He was</p> <p>16 not aware of whether it was, you know --</p> <p>17 there's several different ones, and I</p> <p>18 don't think that he had any information</p> <p>19 on that.</p> <p>20 Q. You mentioned a target list</p> <p>21 in connection to Dirk Pica.</p> <p>22 What is a target list?</p> <p>23 A. A target list is a list of</p> <p>24 physicians that the sales representatives</p>

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1 would call on or speak to in the course
2 of their day.
3 Q. So Allergan used information
4 provided by some of the entities, or all
5 of the entities, listed in Exhibit-4 to
6 develop target lists for its sales
7 representatives; is that right?
8 A. So I'd say -- I'd clarify
9 that Tegra Analytics appears to help
10 develop the lists. I don't -- in talking
11 to Jennifer, it didn't sound like the
12 company had a sales analytics group that
13 would do that internally.
14 Q. So how did -- what was the
15 process Allergan went through to
16 determine whether to call on a particular
17 doctor?
18 MS. WELCH: Objection to
19 form.
20 THE WITNESS: And are you
21 speaking specifically related to
22 Kadian? Are you asking a general
23 question?
24 BY MR. MELAMED:

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1 Q. You can start with Kadian,
2 that would be good.
3 A. So -- and we may have some
4 details of this, but I can -- let me just
5 see if I have it written out. If not, I
6 can just speak to them. It's Topic 37.
7 So going to Exhibit-3, Topic
8 37, Page 21.
9 Q. Thank you.
10 A. And this kind of walks
11 through the process.
12 So prescriber data from
13 Wolters Kluwer would be provided to Tegra
14 Analytics, as I mentioned. And then
15 Tegra Analytics would use the data to
16 develop the target lists for -- I
17 specifically said inVentiv, I should also
18 mention TMS Health and Techniques were
19 the telesales vendors or organizations
20 that I believe -- I believe Jennifer
21 talked about them in her deposition as
22 well.
23 And the way that they
24 developed the target list, they

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1 identified the top Kadian brand of
2 morphine and generic morphine
3 prescribers. And if the prescribers were
4 in the territories of the inVentiv sales
5 representative, they would be prescribed
6 those prescribers.
7 If they were not in that,
8 because there were only 18
9 representatives at the start, they can't
10 cover the entire country, they would be
11 assigned to TMS Health or Techniques.
12 You know, the overall goal
13 for when Actavis assumed responsibility
14 for -- or acquired Kadian was to maintain
15 the sales, maintain the prescription
16 levels. So, really, what they were
17 looking to do was to identify those --
18 those physicians that were, as I wrote
19 here, the top Kadian prescribers. And
20 those were the ones that the
21 representatives would call on.
22 Q. What about for Norco?
23 A. For Norco, there really
24 wasn't specific information that I could

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1 find, in terms of how prescribers were
2 identified for those sales
3 representatives.
4 Q. What about for oxymorphone?
5 MR. JACOBS: Objection to
6 form.
7 THE WITNESS: So I haven't
8 found any specific separate target
9 lists for generic opioids.
10 The one thing I would say is
11 that there was a time period, let
12 me just check the -- I'm going to
13 Page 22 here -- in 2011 where the
14 inVentiv sales force also informed
15 doctors about the availability of
16 generic oxymorphone.
17 And so there were no
18 specific target lists for those.
19 The target lists were the same
20 ones that they were calling on for
21 Kadian.
22 BY MR. MELAMED:
23 Q. So you're not aware of any
24 specific target lists developed for the

<p style="text-align: right;">Page 338</p> <p>1 purpose of selling oxymorphone; is that 2 correct? 3 A. That's correct. They, you 4 know -- based on what I reviewed, the 5 inVentiv sales force went to the same 6 doctors that they were calling on for 7 Kadian and informed them the 8 availability -- about the availability of 9 generic oxymorphone. 10 Q. Are you aware of any 11 specific target lists that were developed 12 for the purpose of selling any generic 13 opioid that was sold by Allergan? 14 A. I'm not aware of any 15 separate target list for generic opioids. 16 You know, my understanding 17 is that in looking at the training 18 materials when the inVentiv 19 representatives were trained on their 20 responsibilities with oxymorphone, was 21 that this was not typical that you would 22 have a sales force necessarily talking 23 about -- out talking about availability 24 of generics, but there was a sales force</p>	<p style="text-align: right;">Page 340</p> <p>1 information about the availability 2 of generic Kadian. 3 BY MR. MELAMED: 4 Q. Were there any separate 5 target lists developed to -- for the 6 purpose of providing information about 7 generic Kadian, once it went generic? 8 A. Not that I saw, no. 9 Q. So it was the same as the 10 Kadian branded target list? 11 A. That's my understanding, 12 yes, from what I reviewed. 13 Q. A couple of times today you 14 mentioned UPS -- 15 A. Yes. 16 Q. -- in the context of the 17 delivery process, the supply chain 18 process. 19 What service does UPS 20 currently provide vis-à-vis Allergan's 21 supply chain for opioids? 22 A. Let me just look that up. 23 So I'm just looking at 24 Exhibit-3, Page 12, Topic 21, where we</p>
<p style="text-align: right;">Page 339</p> <p>1 that was selling Kadian, and so they also 2 assumed those responsibilities. 3 But, again, I mean, we 4 talked about this several times, but, you 5 know, if there is any information about 6 generic opioids in addition to what I 7 saw, they would likely be with Teva. 8 Q. And you were not able to 9 review the material that you're referring 10 to that is now likely with Teva; is that 11 correct? 12 A. Yeah. So I didn't -- 13 MR. JACOBS: Objection to 14 form. 15 THE WITNESS: -- I didn't 16 identify any separate target lists 17 with Narco opioids in my review, 18 so I didn't see any except for the 19 oxymorphone. 20 And I should -- I should 21 clarify one thing. I also believe 22 that the Kadian representatives 23 also, when Kadian went generic, 24 they also did provide some</p>	<p style="text-align: right;">Page 341</p> <p>1 talk about the supply chain. 2 And based on the discussions 3 I had, and my knowledge, Teva 4 manufactures these products and then UPS 5 will ship the products to the 6 wholesalers. 7 Q. As of when does -- first, 8 let's pull back. 9 What are "these products" 10 that you're testifying to? 11 A. So I'm talking about Kadian 12 and Norco. 13 Q. Since when has Teva 14 manufactured Kadian? 15 A. I don't know the time frame. 16 I know that they currently do. 17 Q. Since when has Teva 18 manufactured Norco? 19 A. Same comment. 20 Q. Since when has Allergan 21 fulfilled orders to pharmacies via UPS? 22 A. I don't know the time frame 23 of the agreement. That may be something 24 that Mary would be able to provide more</p>

<p style="text-align: right;">Page 342</p> <p>1 information on.</p> <p>2 Q. Do you know approximately</p> <p>3 how long UPS has been providing that</p> <p>4 service to Allergan? Is it a matter of a</p> <p>5 couple of years, or a couple of decades?</p> <p>6 A. I really don't know.</p> <p>7 Q. You couldn't say if it was</p> <p>8 more than ten years?</p> <p>9 MS. WELCH: Objection. Mary</p> <p>10 Woods has been designated on that</p> <p>11 topic.</p> <p>12 THE WITNESS: I really don't</p> <p>13 know.</p> <p>14 BY MR. MELAMED:</p> <p>15 Q. Who is Allergan's primary</p> <p>16 contact for lobbying activities?</p> <p>17 MS. WELCH: Objection to</p> <p>18 form. Objection to form and</p> <p>19 outside the scope of the noticed</p> <p>20 topics. We have not designated</p> <p>21 this witness on lobbying.</p> <p>22 Plaintiffs chose to seek written</p> <p>23 responses to those topics.</p> <p>24 THE WITNESS: I don't know.</p>	<p style="text-align: right;">Page 344</p> <p>1 BY MR. MELAMED:</p> <p>2 Q. So you understand that you</p> <p>3 were designated today to speak on a</p> <p>4 number of topics related to marketing,</p> <p>5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. And you're currently</p> <p>8 involved in marketing at Allergan; is</p> <p>9 that correct?</p> <p>10 A. I currently work in the</p> <p>11 marketing department at Allergan, yes.</p> <p>12 Q. And that marketing</p> <p>13 department is currently in Allergan</p> <p>14 Sales, LLC; is that correct?</p> <p>15 A. I don't think so. The --</p> <p>16 Q. Before you look --</p> <p>17 A. Yes.</p> <p>18 Q. -- do you know what</p> <p>19 corporate entity your department is</p> <p>20 located in currently?</p> <p>21 A. It's Allergan USA. And I</p> <p>22 just want to make sure I -- Allergan USA,</p> <p>23 Inc.</p> <p>24 Q. Allergan, USA or --</p>
<p style="text-align: right;">Page 343</p> <p>1 Is there a specific topic</p> <p>2 number I should be looking at?</p> <p>3 BY MR. MELAMED:</p> <p>4 Q. Do you know who Allergan's</p> <p>5 primary -- primary person in charge of</p> <p>6 lobbying efforts on the company's behalf</p> <p>7 is?</p> <p>8 MS. WELCH: Objection to</p> <p>9 form. And objection, it's outside</p> <p>10 the scope of this witness's</p> <p>11 noticed topics.</p> <p>12 THE WITNESS: I don't know.</p> <p>13 BY MR. MELAMED:</p> <p>14 Q. Who would you ask to find</p> <p>15 out?</p> <p>16 MS. WELCH: Objection.</p> <p>17 Outside the scope of the noticed</p> <p>18 topics. We provided written</p> <p>19 responses on the topics.</p> <p>20 If you know the answer, you</p> <p>21 can answer.</p> <p>22 THE WITNESS: No, I don't</p> <p>23 know. I don't even know who I</p> <p>24 would ask.</p>	<p style="text-align: right;">Page 345</p> <p>1 A. Allergan USA, Inc.</p> <p>2 Q. Comma Inc.?</p> <p>3 A. Yes.</p> <p>4 Q. And are you aware, in the</p> <p>5 corporate structure, where Allergan --</p> <p>6 who Allergan USA reports up to?</p> <p>7 MS. WELCH: Objection.</p> <p>8 Outside the scope of the noticed</p> <p>9 topics.</p> <p>10 THE WITNESS: I don't know</p> <p>11 the full corporate structure.</p> <p>12 I do know I'm -- in addition</p> <p>13 to people in sales and marketing,</p> <p>14 are a part of Allergan USA; while</p> <p>15 regulatory, legal, compliance are</p> <p>16 employed by Allergan Sales, LLC.</p> <p>17 BY MR. MELAMED:</p> <p>18 Q. Ultimately, through a series</p> <p>19 of individuals, you report up to the CEO</p> <p>20 of Allergan, correct?</p> <p>21 A. Through a number of</p> <p>22 individuals, yes.</p> <p>23 Q. Does the CEO -- do you work</p> <p>24 in the same office as the CEO?</p>

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1 A. Yes. He works out of the
2 Madison, New Jersey office as well.
3 Q. Since you've worked in the
4 marketing department, has it been part of
5 a -- has it always been part of Allergan
6 USA, Inc.?
7 MS. WELCH: Objection.
8 Outside the scope of the noticed
9 topics.
10 THE WITNESS: I don't know.
11 Like I said before, I'm not really
12 familiar with the entire corporate
13 structure.
14 BY MR. MELAMED:
15 Q. Are you aware of the
16 corporate entity that marketed Kadian
17 prior to the merger with Watson
18 Pharmaceuticals?
19 A. I'm just looking at
20 Exhibit-1.
21 And so prior to the
22 acquisition of -- by Watson, it was
23 Actavis Inc., with no comma.
24 Q. And once Watson acquired

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1 Actavis, what was the name of the
2 corporate entity in which the marketing
3 department for Kadian resided?
4 MS. WELCH: Objection.
5 Outside the scope of the noticed
6 topics.
7 THE WITNESS: What I know is
8 when Watson acquired Actavis Inc.,
9 with no comma, the name was -- the
10 company was changed to Actavis,
11 Inc.
12 I don't know the intricacies
13 of the structure of where
14 everything fell.
15 BY MR. MELAMED:
16 Q. Just to be clear, what
17 you're saying, you don't know where
18 within Actavis, Inc., the marketing
19 department responsible for marketing
20 Kadian fell; is that an accurate
21 representation of what you're saying?
22 MS. WELCH: Objection to
23 form. Objection. Outside the
24 scope of the noticed topics.

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1 THE WITNESS: Like I said a
2 few times, I don't know the full
3 corporate structure, and I
4 wouldn't know that.
5 BY MR. MELAMED:
6 Q. Do you know the corporate
7 entity in which the marketing department
8 existed at Watson Pharmaceuticals,
9 Inc. -- let me withdraw that and state it
10 more particularly.
11 Do you know the corporate
12 entity in which the marketing department
13 responsible for Norco existed at Watson
14 Pharmaceuticals, Inc.?
15 MS. WELCH: Objection to
16 form. Outside the noticed topics.
17 THE WITNESS: That's another
18 question on corporate structure
19 that I'm not familiar with.
20 BY MR. MELAMED:
21 Q. Are you -- are your answers
22 any different as to the department that
23 oversaw sales of Kadian at Actavis prior
24 to its merger with Watson?

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1 I can restate that, that was
2 a stumbling, poor question. I'll start
3 at the beginning of time.
4 Are you aware of the
5 department that handled sales of Norco at
6 Watson Pharmaceuticals prior to its
7 merger with Actavis?
8 A. You're asking if I'm aware
9 of what --
10 Q. Department.
11 A. -- corporate entity or --
12 Q. Yes.
13 What corporate entity did
14 the sales department for Norco exist
15 within at Watson Pharmaceuticals prior to
16 the merger with Actavis?
17 A. I'm not sure what the -- how
18 the corporate structure -- if there were
19 different entities within Watson
20 Pharmaceuticals. I don't know.
21 Q. What was the specific
22 corporate entity within Actavis that
23 handled the sales of Kadian prior to the
24 merger with Watson Pharmaceuticals, Inc.?

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1 MS. WELCH: Same objections.
 2 Objection to form and outside of
 3 the noticed topics.
 4 THE WITNESS: You know, I
 5 keep going back to Exhibit-1, and
 6 this is what I prepared regarding
 7 the different corporate entities.
 8 And my understanding is that
 9 the company was Actavis Inc. and
 10 once Watson acquired it, the
 11 company was -- name was changed to
 12 Actavis, Inc.
 13 As far as how it was
 14 structured and if there were
 15 individual departments that sat
 16 within different corporate
 17 entities under that umbrella, I
 18 don't know.
 19 BY MR. MELAMED:
 20 Q. And is it fair to say that
 21 you don't know that for departments that
 22 may have existed for sales?
 23 MS. WELCH: Objection to
 24 form. Objection. Outside the

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1 scope of the noticed topics.
 2 THE WITNESS: And I think we
 3 have been clear that I have not
 4 been designated to talk about the
 5 corporate structure.
 6 So I -- so I don't think I
 7 can answer the question.
 8 BY MR. MELAMED:
 9 Q. Fair enough. I was hoping,
 10 since you've been designated to talk
 11 about marketing and sales, that you could
 12 tell me where within the corporate entity
 13 marketing and sales occurred.
 14 You can presently, I
 15 believe?
 16 A. Presently, yes, because I
 17 know what -- where I sit, yes.
 18 Q. And does the sales group sit
 19 within the same department that you
 20 currently sit in?
 21 A. I mean, department, I think
 22 we're using that term loosely. In terms
 23 of the corporate entity -- so sales and
 24 marketing are both employees of Allergan

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1 USA.
 2 Q. Thank you.
 3 But prior to the current
 4 situation where sales and marketing
 5 employees are all employees of Allergan
 6 Sales USA, you don't -- you are not sure
 7 which corporate entity, walking back
 8 through time, either sales or marketing
 9 individuals worked within?
 10 A. I know the current -- I
 11 think you called it Allergan Sales USA,
 12 it's just Allergan USA.
 13 Q. Thank you.
 14 A. But prior to that, I don't
 15 know the structure of where the marketing
 16 or sales departments would have fallen.
 17 MR. MELAMED: Let's go off
 18 the record.
 19 VIDEO TECHNICIAN: Going off
 20 record. The time is 4:42.
 21 - - -
 22 (Whereupon, a brief recess
 23 was taken.)
 24 - - -

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1 VIDEO TECHNICIAN: We are
 2 going back on the record.
 3 Beginning of Media File Number 7.
 4 The time is 5:00 p.m.
 5 BY MR. MELAMED:
 6 Q. I want to ask you about
 7 Topic 14, which your prepared answer is
 8 on Page 10 of Exhibit-3.
 9 It's the identity of any
 10 defendants or third parties to whom you
 11 provided sales, distribution or
 12 prescribing data about opioids or opioid
 13 products, along with specific information
 14 about who provided that information --
 15 provided the data.
 16 Your prepared answer on Page
 17 10 of Exhibit-3 mentions that Allergan
 18 Finance provided data about Kadian to
 19 Ventiv and to Techniques and to TMS
 20 Health and Tegra Analytics.
 21 Do you see that?
 22 A. I see that, yes.
 23 Q. Did Allergan Finance provide
 24 data about Kadian to any other entity,

<p style="text-align: right;">Page 354</p> <p>1 third-party entity, that you're aware of, 2 in response to this question? 3 A. Through the research that I 4 did and the e-mails, these are the -- 5 these are the entities that I could find 6 that Allergan Finance provided data to, 7 yes. 8 Q. Did Allergan Finance provide 9 sales, distribution or prescribing data 10 about Norco to any third parties? 11 A. In my review of the 12 documents, I didn't find anything 13 specifically related to data being 14 provided to -- about Norco. This was -- 15 the documents I found were specifically 16 Kadian. 17 Q. So is it accurate to say 18 that you're not sure either way, but 19 based on the documents you reviewed, you 20 did not identify any entities to which 21 you provided information about Norco? 22 A. Based on the review of data. 23 Like I said, it was very limited what was 24 still available from back 15 years ago.</p>	<p style="text-align: right;">Page 356</p> <p>1 responsibility for generic opioids are 2 with Teva. And that was -- and they 3 are -- and that is a named defendant in 4 the case. So I did not reach out to 5 anyone at Teva regarding this. 6 Q. I want to talk about Topic 7 35. And your prepared answer is on Page 8 19 of Exhibit-3. 9 A. Sure. 10 Q. Exhibit-35 -- I'm sorry. 11 Topic 35 concerns your analysis of the 12 effectiveness of your marketing 13 promotions and advertising related to 14 your opioid products. 15 And your response says that, 16 Actavis did not provide a formal ROI 17 analysis to assess its return on -- to 18 assess its return on investment for all 19 promotional efforts regarding Kadian. 20 MR. MELAMED: Sorry for 21 those of you looking at the Elmo. 22 BY MR. MELAMED: 23 Q. Who is Actavis in that 24 response?</p>
<p style="text-align: right;">Page 355</p> <p>1 Q. What about information 2 regarding generic opioids, specific 3 generic opioids? 4 A. I have not been able to talk 5 to anyone who had, you know, primary 6 responsibility for the data regarding 7 generic opioids. And so consistent with 8 what we've discussed earlier, I would 9 refer you to the existing Actavis generic 10 companies which are with Teva. 11 Q. I just want to clarify 12 something you just said. 13 A. Sure. 14 Q. You may not have meant it 15 the way I'm taking it. 16 You say you haven't been 17 able to talk to anyone who had that 18 responsibility. 19 Did you attempt to speak to 20 anyone and that attempt just wasn't 21 successful? 22 A. So my understanding, in 23 preparing for this, was that the 24 individuals who had primary</p>	<p style="text-align: right;">Page 357</p> <p>1 A. Sure. So this was -- this 2 was related to Kadian, so this would have 3 been Actavis Inc., and subsequent to that 4 Actavis, Inc. 5 So I did not see any ROI 6 analyses related to promotional efforts 7 for Kadian with either of those 8 companies. 9 Q. Your response says you had 10 some forward-looking research looking at 11 the potential effects of discontinuing 12 field-based promotion of Kadian, correct? 13 A. Well, yeah. So in -- let me 14 just go back for a second. 15 In talking to Jennifer, you 16 know, my understanding was there was a 17 pretty limited marketing budget. There 18 weren't, you know, what she would 19 consider significant promotional efforts. 20 And so, therefore, they did not conduct 21 any ROI analyses. 22 One thing, you know, that I 23 think I had talked about earlier today 24 was when the product was acquired, there</p>

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1 was, you know, discussion about whether
 2 you would retain a sale -- whether they
 3 would retain a sales force to promote the
 4 product. So they did hire Health
 5 Products Research, HPR, which is a
 6 company that I had talked about earlier
 7 that I had worked for but not during this
 8 time period or on this project. They did
 9 hire Health Products Research to
 10 understand the impact of discontinuing
 11 field promotion of Kadian.

12 Q. Who was the primary point
 13 person responsible for interacting with
 14 Health Products Research?

15 A. I believe that was Nathalie,
 16 but I'd have to go back and double check.
 17 But I believe that was her.

18 Q. And HPR concluded that sales
 19 of Kadian branded opioids would drop
 20 between 34 and 47 percent if Actavis no
 21 longer detailed Kadian to doctors; is
 22 that correct?

23 A. So I believe they were
 24 looking at the promotional levels that

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1 Alpharma had been putting behind Kadian.
 2 And they -- based on the prescribing data
 3 that they looked at, they concluded that
 4 if Actavis did not detail Kadian, sales
 5 would drop. They had a range of 34 to 47
 6 percent in the document.

7 Q. What date was that document,
 8 approximately? I'm not asking for a
 9 specific day and month.

10 A. I don't remember. It would
 11 have likely been some time in 2009. But
 12 I don't know the date.

13 Q. So that document was
 14 provided by HPR before Actavis made the
 15 decision to discontinue detailing Kadian;
 16 is that right?

17 A. So you mean before 2012 when
 18 they discontinued detailing?

19 Q. Did HPR provide that
 20 document before 2012?

21 A. Is that what you're asking
 22 me?

23 Q. I'm asking --

24 A. Yes, the document was --

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1 Q. -- at some point Kadian was
 2 no longer detailed, correct?

3 A. Yes. So Kadian was no
 4 longer detailed in the end of 2012. This
 5 document would have been provided prior
 6 to that, yes.

7 Q. A couple of years prior to
 8 that, right?

9 A. Yeah, I --

10 Q. About?

11 A. If my memory serves me,
 12 looking at that document, I believe it
 13 was in 2009.

14 Q. The next paragraph talks
 15 about a company called Adheris. Is that
 16 a -- that's a third-party company?

17 A. Yes.

18 Q. And they also did a
 19 projected return-on-investment analysis
 20 of some sort; is that correct?

21 A. So their analysis was based
 22 on a program that they were doing, a
 23 patient adherence program that they were
 24 doing. And they analyzed the expected

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1 impact of that, I believe from the
 2 prescription level data during the time
 3 of the program.

4 And they expected an ROI of,
 5 yes, 19.9 to 1 when they did that in
 6 2009; and then when they did it again in
 7 2010, 15.9 to 1.

8 Q. And by "19.9 to 1," does
 9 that mean for every dollar spent they
 10 would expect \$19.9 in return? Is that
 11 the analogy that's been set up with those
 12 numbers?

13 A. So that's my understanding
 14 of what ROI is. I don't know how they
 15 did that analysis for what they
 16 projected.

17 Q. Just --

18 A. I will say, one additional,
 19 this is -- if -- when I'm doing an ROI
 20 analysis, just speaking for my personal
 21 experience, I would usually do it
 22 internally rather than having the company
 23 assess its own program. Just to be fair.

24 Q. What do you mean you would

<p style="text-align: right;">Page 362</p> <p>1 rather do it internally instead of having 2 the company assess its own program? 3 A. I mean, if you have an 4 outside vendor that you're contracting 5 with to perform a program for you, and 6 they're doing the ROI analysis, I 7 wouldn't typically, as a marketing 8 person, rely on those numbers. 9 Q. You would expect a bias in 10 favor of the program? 11 A. I would, yes. 12 Q. I just want to be clear. I 13 think I got this answer from you, I just 14 want to make sure I understand. 15 A. Sure. 16 Q. Because I don't. 17 The 19.9 to 1 in the return 18 on investment that's mentioned for May of 19 2009, that is that they would expect to 20 see \$19.9 in revenue for every one dollar 21 spent on the program? 22 A. So that is what Adheris is 23 saying, for every dollar you spend with 24 us, this is what you would potentially</p>	<p style="text-align: right;">Page 364</p> <p>1 What I will say is in 2 talking to Jennifer, and I think I 3 mentioned this earlier, they really 4 weren't doing any ROI analyses on their 5 programs. If you see, the time period of 6 this is early in 2009, which was early 7 on. So -- and I'd have to see the 8 document, but I'm thinking that this was 9 a program that was in place prior to the 10 acquisition. I would have to double 11 check that. 12 Q. Do you know if there was any 13 return-on-investment analysis done by 14 Watson Pharmaceuticals, Inc. concerning 15 its promotion of Norco? 16 A. I did not find any documents 17 in my review that showed any ROI analyses 18 that they would have done. 19 Q. Similarly, did you find any 20 documents showing ROI analysis done for 21 Watson Pharmaceuticals concerning 22 promotion of Norco? 23 A. By -- you're talking about 24 by a third-party vendor?</p>
<p style="text-align: right;">Page 363</p> <p>1 expect in return is my understanding. 2 Q. Did Actavis continue the 3 program with Adheris after receiving this 4 ROI -- this projected ROI analysis? 5 A. I don't know. I'd have to 6 look at the document to see the time 7 period of when the program took place 8 versus this. 9 Q. And Actavis did not do any 10 retrospective ROI analysis for any of 11 their marketing or detailing efforts; is 12 that accurate? 13 A. So one point, going back to 14 this, is when you say prospective versus 15 retrospective, this was a program that 16 was done by Adheris. So if you have any 17 of these -- if you want to get this 18 document, I can look and see what the 19 exact time period was versus when the 20 program ran. 21 I don't -- I'm not sure of 22 that distinction you're making, in terms 23 of prospective versus retrospective in 24 terms of the time period for this.</p>	<p style="text-align: right;">Page 365</p> <p>1 Q. Whether internal or 2 external, yes. 3 A. Like I said, that was 4 probably -- that was 15 to 20 years ago, 5 so I have not identified any of those 6 documents. I have not been able to 7 locate them. 8 Q. And those are the subject 9 areas for which documents are sparse? 10 A. Very sparse, yes. 11 Q. Was there any ROI analysis 12 conducted concerning the promotion by 13 sales representatives of generic opioids 14 at Actavis? 15 MR. JACOBS: Objection. 16 THE WITNESS: Are you 17 talking about the oxymorphone that 18 the inVentiv sales 19 representatives -- are you talking 20 specifically about the impact of 21 their detailing of the 22 availability of the product? 23 BY MR. MELAMED: 24 Q. If I remember correctly, you</p>

<p style="text-align: right;">Page 366</p> <p>1 testified that sales representatives 2 detailed oxymorphone for a period of 3 time, and sales representatives also 4 detailed generic Kadian for a period of 5 time; is that correct? 6 A. Depending on the definition 7 used of detailed, I think what I had 8 said, and if I hadn't, I want to correct 9 that, they provided information about the 10 availability of those products. 11 So detailing is a rather 12 loose term. So that's specifically what 13 they were doing. 14 Q. Was there any analysis 15 conducted by Actavis -- any ROI analysis 16 conducted by Actavis for that messaging? 17 A. I did not see anything 18 related to that. No, I don't believe 19 that existed. 20 Q. And for neither of the 21 generic drugs; is that correct? 22 A. That's my understanding, 23 yes. 24 Q. I want to turn your</p>	<p style="text-align: right;">Page 368</p> <p>1 So these are the ones that 2 were attached to the e-mails that I saw. 3 I don't have any information as to 4 whether anyone reviewed them, but these 5 are the materials that were sent. And I 6 don't know of any others. 7 Q. Did you see any studies 8 prepared concerning Norco about physician 9 or public perceptions of the safety, 10 efficacy and/or addictive nature of 11 Norco? 12 A. No, I didn't see any market 13 research related to Norco. The documents 14 were -- from that time period were sparse 15 and hard to come by. 16 Q. When you see -- when you 17 responded you didn't see any market 18 research related to Norco, that response 19 was broader than my question. 20 A. I'm sorry. 21 Q. So you didn't see any -- 22 that's fine. I just want to make sure 23 that I understand the answer. 24 You didn't see any market</p>
<p style="text-align: right;">Page 367</p> <p>1 attention to Topic 19, which concerns 2 surveys, focus groups, market research, 3 concerning the safety, efficacy and/or 4 addictive nature of the opioid products, 5 other opioid products or opioid -- 6 there's a wide list of topics in -- or 7 different subjects in Topic 19. 8 In response -- in your 9 prepared response on Page 11 of 10 Exhibit-3, you identified studies 11 prepared for Alpharma when Alpharma owned 12 Kadian and that were sent to Allergan 13 Finance when it acquired Kadian, correct? 14 A. Yes. 15 Q. Were there any other studies 16 prepared for Alpharma, when it owned 17 Kadian, that were provided to Allergan 18 Finance concerning any of the topics 19 listed in Topic Number 19? 20 A. In my review of the 21 documents, I saw e-mails where these were 22 sent over, I think they referred to it 23 as, I may be quoting out of turn, a data 24 dump or here is the information.</p>	<p style="text-align: right;">Page 369</p> <p>1 research concerning Norco -- 2 A. I did not uncover any market 3 research documents related to Norco. 4 Q. Did you see any market 5 research concerning the safety, efficacy 6 and/or addictive nature of opioids 7 generally? 8 And I don't mean 9 generically, I mean opioids as a class of 10 prescription drugs. 11 A. Within some of these 12 documents, there were other products that 13 were specifically called out, like other 14 opioids, and I would need the document to 15 see which ones. 16 But there were different 17 perceptions of different opioids. It 18 was -- Kadian was in there, but as were 19 other opioids as well. 20 Q. Does your response capture 21 every study that -- of which you are 22 aware concerning physician or public 23 perceptions of the safety, efficacy 24 and/or addictive nature of opioid</p>

<p style="text-align: right;">Page 370</p> <p>1 products?</p> <p>2 MS. WELCH: Objection to the</p> <p>3 form of the question. Objection</p> <p>4 to the extent it appears to be</p> <p>5 broader and outside the scope of</p> <p>6 Topic 19.</p> <p>7 THE WITNESS: So can you</p> <p>8 repeat what you're asking?</p> <p>9 BY MR. MELAMED:</p> <p>10 Q. So Topic 19 asks not only</p> <p>11 for the surveys, focus groups, market</p> <p>12 research or similar research and</p> <p>13 investigations, that class of information</p> <p>14 on behalf of your opioid products, it</p> <p>15 also asks for it on behalf of other</p> <p>16 opioid products.</p> <p>17 And you mentioned that</p> <p>18 certain articles you referenced here have</p> <p>19 information about other opioid products</p> <p>20 and opioids. Full stop.</p> <p>21 Are you aware of any</p> <p>22 surveys, focus groups, market research or</p> <p>23 other similar research or investigation</p> <p>24 that either you performed or that you had</p>	<p style="text-align: right;">Page 372</p> <p>1 addictive nature that Allergan had.</p> <p>2 A. The market research that I</p> <p>3 specifically reviewed was listed here.</p> <p>4 It was related to Kadian.</p> <p>5 As I mentioned, there -- in</p> <p>6 the course of market research regarding</p> <p>7 Kadian, there were other products that</p> <p>8 were listed. Those are -- the documents</p> <p>9 that I'm aware of, are listed in here.</p> <p>10 Q. If a document -- if the</p> <p>11 market research did not mention Kadian,</p> <p>12 is it accurate that you did not -- you</p> <p>13 did not, then, review it for purposes of</p> <p>14 responding to this topic?</p> <p>15 MS. WELCH: Objection to</p> <p>16 form. And I think it misstates</p> <p>17 her testimony.</p> <p>18 THE WITNESS: The market</p> <p>19 research that I reviewed was when</p> <p>20 Alpharma divested Kadian to</p> <p>21 Actavis. There were a number of</p> <p>22 documents that were sent over,</p> <p>23 GFK, CMR, Emperic Medical</p> <p>24 Marketing. And so those were the</p>
<p style="text-align: right;">Page 371</p> <p>1 performed on your behalf or that you</p> <p>2 received or reviewed concerning physician</p> <p>3 or public perceptions of the safety,</p> <p>4 efficacy or addictive nature of opioids</p> <p>5 as a class of pharmaceutical drugs?</p> <p>6 MS. WELCH: Objection to</p> <p>7 form. Objection that it is</p> <p>8 outside the scope of Topic 19 as</p> <p>9 narrowed by objections to which</p> <p>10 you did not object.</p> <p>11 THE WITNESS: So my</p> <p>12 understanding of the topic that I</p> <p>13 was designated to talk about</p> <p>14 were -- was -- is on Page 11,</p> <p>15 Topic 19, under the objections</p> <p>16 column.</p> <p>17 And I think you're reading</p> <p>18 from the topic column.</p> <p>19 BY MR. MELAMED:</p> <p>20 Q. Correct. I'm just asking</p> <p>21 you -- I understand the objections.</p> <p>22 I'm asking whether you're</p> <p>23 aware of any studies of opioids generally</p> <p>24 concerning their safety, efficacy and/or</p>	<p style="text-align: right;">Page 373</p> <p>1 ones that I reviewed.</p> <p>2 Are we still talking about</p> <p>3 that time period from Alpharma, or</p> <p>4 are you talking more generally?</p> <p>5 BY MR. MELAMED:</p> <p>6 Q. No, more generally.</p> <p>7 Did you review -- in</p> <p>8 preparation for answering this topic, did</p> <p>9 you review any surveys, focus groups,</p> <p>10 market research, or similar, performed by</p> <p>11 anyone concerning perceptions of safety,</p> <p>12 efficacy or addictiveness of opioids?</p> <p>13 A. So if you turn to Page 12,</p> <p>14 the next page, as I mentioned that I had</p> <p>15 reviewed the documents on the previous</p> <p>16 page, there were also documents that you</p> <p>17 see listed here conducted on -- by</p> <p>18 Actavis and the HPR study that we talked</p> <p>19 about, a KGC study. And Genesis</p> <p>20 conducted a study about perceptions of</p> <p>21 Kadian and drivers of product selection.</p> <p>22 And then you'll see underneath that, Pain</p> <p>23 Week conducted a survey about</p> <p>24 practitioners' practices when prescribing</p>

<p style="text-align: right;">Page 374</p> <p>1 opioids.</p> <p>2 So those are the documents I</p> <p>3 found and reviewed.</p> <p>4 Q. How did you go about finding</p> <p>5 those documents?</p> <p>6 A. You know, I talked to -- I</p> <p>7 talked to Jennifer Altier about, you</p> <p>8 know, what documents may have existed. I</p> <p>9 talked to my attorneys about finding me</p> <p>10 documents related to the market research</p> <p>11 that Jennifer mentioned. And just went</p> <p>12 through all of the materials that could</p> <p>13 be found about the topics and requested</p> <p>14 any market research that was related to</p> <p>15 opioids, specifically Kadian and Norco.</p> <p>16 Q. Do you agree that the</p> <p>17 profits of your company increase with the</p> <p>18 volume of drugs supplied by your firm to</p> <p>19 distributors?</p> <p>20 MR. JACOBS: Object to the</p> <p>21 form.</p> <p>22 MS. WELCH: Objection to the</p> <p>23 form. Outside the scope of the</p> <p>24 noticed topics.</p>	<p style="text-align: right;">Page 376</p> <p>1 Does your company make more</p> <p>2 money when it sells more opioids versus</p> <p>3 fewer opioids?</p> <p>4 A. My company is not an opioid</p> <p>5 company. I'd say Kadian and Norco make</p> <p>6 up a very small percentage of --</p> <p>7 Q. That's not my question.</p> <p>8 A. -- of the sales.</p> <p>9 Q. As it sells Kadian, if it</p> <p>10 sells more Kadian, does it make more</p> <p>11 money?</p> <p>12 A. It depends on a lot of</p> <p>13 things. It depends on -- someone could</p> <p>14 purchase Kadian and they could return it</p> <p>15 later, and they wouldn't make more money.</p> <p>16 So it's a very broad</p> <p>17 statement that I am not prepared to talk</p> <p>18 about.</p> <p>19 Q. Taking returns out of the</p> <p>20 equation, is it true that your company</p> <p>21 makes money -- let me -- taking returns</p> <p>22 out of the equation, is it true that your</p> <p>23 company makes more money when it sells</p> <p>24 more Kadian than it does when it sells</p>
<p style="text-align: right;">Page 375</p> <p>1 THE WITNESS: I didn't even</p> <p>2 understand the question. What did</p> <p>3 you say?</p> <p>4 BY MR. MELAMED:</p> <p>5 Q. You make money by selling a</p> <p>6 bunch of drugs, correct?</p> <p>7 MS. WELCH: Objection to</p> <p>8 form. Outside the scope of the</p> <p>9 noticed topics.</p> <p>10 THE WITNESS: That's a very</p> <p>11 broad question.</p> <p>12 BY MR. MELAMED:</p> <p>13 Q. Do your company's profits</p> <p>14 increase when it -- when you sell more</p> <p>15 opioids?</p> <p>16 MS. WELCH: Objection to</p> <p>17 form.</p> <p>18 THE WITNESS: That's a --</p> <p>19 like, a more specific question?</p> <p>20 I'm not sure what you're asking</p> <p>21 me.</p> <p>22 BY MR. MELAMED:</p> <p>23 Q. As compared to fewer</p> <p>24 opioids.</p>	<p style="text-align: right;">Page 377</p> <p>1 less Kadian?</p> <p>2 A. If you're asking if the</p> <p>3 company -- the company is a</p> <p>4 pharmaceutical company that sells</p> <p>5 pharmaceutical products, and there's</p> <p>6 revenue associated with the</p> <p>7 pharmaceutical products.</p> <p>8 But there's a lot of things</p> <p>9 that go into that. And so I'm not going</p> <p>10 to comment on how much money the company</p> <p>11 makes for specific levels of sales.</p> <p>12 Q. Just to be clear, I wasn't</p> <p>13 asking you to comment on how much money</p> <p>14 the company makes for specific levels of</p> <p>15 sales.</p> <p>16 I was just asking whether it</p> <p>17 makes more -- you know, net of returns,</p> <p>18 does it make more money by selling more</p> <p>19 product, in this case, specific to</p> <p>20 Kadian?</p> <p>21 A. So -- but taking returns out</p> <p>22 of the situation is an artificial</p> <p>23 situation. So I feel like it's not a</p> <p>24 valid question.</p>

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1 Q. Okay. So you're not willing
 2 to say -- you can't say whether your
 3 company makes more money the more Kadian
 4 it sells?
 5 MS. WELCH: Objection to
 6 form.
 7 BY MR. MELAMED:
 8 Q. It seems a rather simple
 9 question to me, and I think you're making
 10 it complicated. Maybe I'm not asking the
 11 question correctly.
 12 But if I sell bottled water
 13 and I sell ten units of bottled water, I
 14 make less than if I sell a million units
 15 of bottled water.
 16 Absent returns, if somebody
 17 returns all of those million units, then
 18 I've made less. That's all I'm trying to
 19 get at.
 20 Does -- does the amount of
 21 revenue brought into the company grow the
 22 more Kadian it sells, taking returns out
 23 of the equation?
 24 A. There is a cost per bottle

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1 of Kadian. So if you sell one bottle of
 2 Kadian, I don't know that -- the dollar
 3 amount, but you get a certain dollar
 4 amount; if you sell two bottles of
 5 Kadian, you would get the cost of two
 6 dollars.
 7 But then, as I mentioned,
 8 there's a number of other factors that
 9 play into it, such as returns.
 10 Q. What other factors?
 11 A. There could be discounts,
 12 there could be other fees associated with
 13 shipping the product. There's a number
 14 of things that go into a P&L statement,
 15 if you will.
 16 Q. Do you currently have any
 17 contracts with distributors where the per
 18 unit price of Kadian reduces due to
 19 volume discounts?
 20 MS. WELCH: Objection to
 21 form. Outside the scope of the
 22 noticed topics.
 23 THE WITNESS: I don't know.
 24 BY MR. MELAMED:

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1 Q. Do you currently have any
 2 contracts with distributors where your
 3 per unit price reduces due to rebates?
 4 MS. WELCH: Objection to
 5 form. Outside the scope of the
 6 noticed topics.
 7 THE WITNESS: And I don't
 8 know the answer.
 9 BY MR. MELAMED:
 10 Q. You just spoke about
 11 discounts, there could be discounts for
 12 certain sales.
 13 What does -- are there
 14 contracts for discounts of certain levels
 15 that currently exist for the sale of
 16 Kadian?
 17 MS. WELCH: Objection.
 18 Outside the scope of the noticed
 19 topics.
 20 THE WITNESS: I'm going to
 21 say I don't know. And that's why
 22 I was having trouble answering
 23 your earlier question, because I
 24 don't know the details of that.

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1 BY MR. MELAMED:
 2 Q. Is your answer the same if
 3 we change from Kadian to Norco?
 4 A. Yes.
 5 Q. Is your answer the same if
 6 we talk about the generic drugs that
 7 were -- the generic opioids that were
 8 sold in 2016 to Teva? Do you know
 9 anything about the generic opioids
 10 discounts or rebates?
 11 MS. WELCH: Objection.
 12 Outside the scope of the noticed
 13 topics.
 14 THE WITNESS: I don't know
 15 the details of the discounts and
 16 rebates.
 17 BY MR. MELAMED:
 18 Q. Do you know whether any
 19 existed at all?
 20 MS. WELCH: Same objections.
 21 THE WITNESS: Same answer.
 22 I don't know.
 23 BY MR. MELAMED:
 24 Q. You testified earlier that

<p style="text-align: right;">Page 382</p> <p>1 certain distributors provide certain 2 promotional activities, like e-mail 3 blasts, correct? 4 A. We talked about some 5 specific e-mail blasts that were sent, 6 yes. 7 Q. Do distributors provide any 8 additional promotional activities on 9 behalf of the company? 10 MR. MCBRIDE: Object to the 11 form. 12 THE WITNESS: And are you 13 talking specifically about Kadian 14 and Norco? 15 BY MR. MELAMED: 16 Q. Let me -- yeah. Let me go 17 back. 18 Do distributors provide you 19 with any additional promotional services 20 to increase sales of Kadian? 21 MR. MCBRIDE: Object to 22 form. 23 THE WITNESS: So currently I 24 work -- Kadian and Norco fall into</p>	<p style="text-align: right;">Page 384</p> <p>1 A. Yes, yes. 2 Q. I understand there's no 3 current arrangement. 4 A. Yes, yes. 5 Q. Before you were in this 6 position, so before the beginning of this 7 year, do you know that there was no 8 arrangement, or you don't know either way 9 whether there was an arrangement? 10 MR. MCBRIDE: Objection to 11 the form. 12 MS. WELCH: Objection to the 13 extent it's outside the scope of 14 the noticed topics. 15 You can answer, if you know. 16 THE WITNESS: So I don't 17 know for sure. When my 18 predecessor, Michael Kerderka, who 19 I mentioned earlier, provided me 20 all his files, and I reviewed 21 them, and I did not see anything 22 related to any of those types of 23 arrangements that you referenced 24 earlier.</p>
<p style="text-align: right;">Page 383</p> <p>1 the portfolio that I manage. And 2 there are no services that they 3 perform to do any marketing or 4 selling of Kadian or Norco. 5 BY MR. MELAMED: 6 Q. Since when have you held 7 this position, your current position? 8 A. Since January of this year, 9 2018. 10 Q. Do you know, prior to 11 January of this year, whether 12 distributors provided any promotional 13 services to increase the product sales of 14 Kadian? 15 MR. MCBRIDE: Object to 16 form. 17 THE WITNESS: I don't 18 believe that was a specific topic 19 in my preparation. But based on 20 my knowledge, there is no 21 arrangement. But I don't know. 22 BY MR. MELAMED: 23 Q. I'm just trying to figure 24 out, based on your current knowledge.</p>	<p style="text-align: right;">Page 385</p> <p>1 BY MR. MELAMED: 2 Q. When did he start in that 3 position? 4 A. I don't know the dates. I 5 just know that he was in that position 6 prior to me. But I don't know how long. 7 Q. And do you know whether, 8 prior to his being in that position, 9 whether any distributors provided any 10 promotional services to increase sales of 11 Kadian? 12 MR. MCBRIDE: Object to 13 form. 14 THE WITNESS: The -- let's 15 go back to -- I'll just bring us 16 back to Topic 21, Page 12 of 17 Exhibit-3. 18 And I'll remind you that we 19 talked -- when we were talking 20 about the promotion of Kadian, we 21 did say that -- I did say that 22 based on my conversations with 23 Jennifer and the review of her 24 deposition and the documents, that</p>

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1 Cardinal would -- did send e-mail
2 blasts to -- regarding Kadian, the
3 availability, and NDC numbers, and
4 that type of information, as well
5 as for generic oxymorphone.
6 Those are the only ones that
7 I'm specifically aware of.
8 BY MR. MELAMED:
9 Q. Do you know whether
10 distributors provided any promotional
11 services to increase product sales of any
12 of the generic opioids that were
13 transferred in 2016 to Teva?
14 MR. MCBRIDE: Object to
15 form.
16 THE WITNESS: So I think
17 even in the prior question you
18 used that terminology to -- how do
19 you say -- to increase sales? Is
20 that -- was that the part of the
21 question --
22 BY MR. MELAMED:
23 Q. That was -- I think that's
24 what I said.

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1 A. Was that part of your prior
2 question?
3 And I just want to clarify
4 that my response said that they used
5 these e-mail blasts to inform people of
6 the availability of Kadian or
7 oxymorphone, NDC numbers, the
8 availability of a co-pay card; not
9 specifically something that was -- that I
10 would characterize as to increase sales,
11 but to let people know that this was
12 available.
13 Q. They were providing a public
14 service, just providing information?
15 MS. WELCH: Objection to
16 form.
17 THE WITNESS: They were
18 providing information about how
19 the product, you know -- you know,
20 when -- in order to order a
21 product, you need an NDC number,
22 you need information about what
23 its indication is.
24 So they were materials that

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1 were -- that contained that type
2 of information.
3 BY MR. MELAMED:
4 Q. Do you know if distributors
5 provided any promotional services
6 concerning the generic opioids that were
7 transferred to Teva prior to their
8 transfer?
9 MR. BAILEY: Objection to
10 form.
11 THE WITNESS: As I
12 mentioned, there were -- Cardinal,
13 McKesson did send e-mail blasts to
14 pharmacies regarding oxymorphone.
15 That's all I'm aware of in my
16 review of documents.
17 Again, I would direct you
18 back to the people who are at Teva
19 who worked on the Actavis generic
20 businesses.
21 BY MR. MELAMED:
22 Q. Did distributors provide any
23 promotional services to the company -- to
24 Watson Pharmaceuticals, Incorporated on

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1 the launch of -- at and around the time
2 Norco launched concerning --
3 MR. BAILEY: Objection to
4 form.
5 BY MR. MELAMED:
6 Q. -- specific to Norco?
7 It's a clumsy phrased
8 question.
9 Do you understand what I'm
10 asking?
11 A. Let me see if I can clarify.
12 So are you asking me if
13 there were any e-mail blasts or other
14 types of marketing that were done by
15 Cardinal or McKesson for Norco? Is that
16 the question?
17 Q. Yes.
18 A. Not that I'm aware. I
19 haven't seen any of those. But, like I
20 said, those documents are pretty old, and
21 I did not have access to many of them.
22 Q. Same answer for
23 AmerisourceBergen?
24 A. Yes.

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1 Q. Same answer for Anda, the
2 distributor Anda Pharmaceuticals?
3 A. Yes.
4 Q. How many employees do you
5 currently have in the sales department?
6 A. Right now in the sales
7 organization at --
8 Q. Where you work.
9 A. -- at Allergan?
10 MS. WELCH: Objection.
11 Outside the scope of the noticed
12 topics.
13 THE WITNESS: I really don't
14 know.
15 BY MR. MELAMED:
16 Q. What's your estimate?
17 A. I don't know. There's so
18 many -- there's several different sales
19 forces and different divisions of the
20 company. So I would not be able to
21 estimate.
22 I work in the general
23 medicine marketing group. Maybe 1,000
24 sales representatives. I'm not sure.

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1 Q. What about in the marketing
2 group? Do you have an understanding of
3 approximately how many people are
4 employed in the marketing group at
5 Allergan currently?
6 MS. WELCH: Again, outside
7 the scope of the noticed topics.
8 And well overbroad with respect to
9 all of Allergan not related to
10 opioids.
11 THE WITNESS: So that's --
12 so you're asking a general
13 question about Allergan? How many
14 people work in the marketing
15 group, I'm not sure. There's
16 several different departments.
17 What I could say is that the
18 marketing department, the people
19 who have any responsibility for
20 Kadian and Norco are me and one
21 other person in the marketing
22 group.
23 BY MR. MELAMED:
24 Q. At the time that Actavis

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1 acquired Kadian from Alpharma, how many
2 people were in the marketing group at
3 Actavis?
4 A. When Actavis acquired
5 Kadian?
6 Q. Yes.
7 A. So --
8 MS. WELCH: Same objections,
9 in terms of overbreadth, given the
10 topics.
11 THE WITNESS: I don't know
12 how many people were in the
13 marketing group.
14 I do know that the marketing
15 group for Kadian consisted of
16 Jennifer Altier, Lisa Miller, and
17 Nathalie Leitch, part of her
18 responsibility.
19 BY MR. MELAMED:
20 Q. And your understanding is
21 they were part of a larger marketing
22 department?
23 A. I really don't know.
24 Q. How many sales

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1 representatives were detailing Kadian in
2 2009?
3 A. My understanding, from
4 Jennifer's deposition and my discussions
5 with her, that there were 18 sales
6 representatives who were employed by
7 inVentiv at the beginning. And by the
8 end, I believe she said it was 48.
9 If we look at the inVentiv
10 contract, you can see the specific,
11 detailed numbers.
12 Q. During the time period that
13 Watson Pharmaceuticals was detailing
14 Norco, do you know how many sales
15 representatives were detailing Norco to
16 physicians?
17 A. I don't know the number of
18 sales representatives. I was not able to
19 find that information.
20 I do have some -- I did talk
21 to Dirk, who was a specific person there.
22 But if you -- you know, in some of the
23 documents that I reviewed, I believe
24 there were a couple of other people

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1 listed, but I don't know how many there
2 were.
3 If you look -- let's see,
4 I'm on the first page of Exhibit-3. I
5 know there were three regional sales
6 managers; Dirk Pica, Bill Chase and Jim
7 Wallace were the three I was able to
8 identify. There may have been more, but
9 those were the three that I was able to
10 identify from my documents. And they
11 oversaw the sales representatives.
12 I don't know how many -- how
13 many representatives each of them had in
14 their group.
15 Q. When you spoke to Dirk Pica,
16 did he tell you how many sales
17 representatives were -- he was
18 responsible for as a regional sales
19 manager?
20 A. I can't remember.
21 Q. Is that you can't remember
22 whether he told you or he told you but
23 you can't remember the number?
24 A. I can't remember if he told

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1 me.
2 Q. Do you have any idea how
3 many people were in the marketing
4 department at Watson Pharmaceuticals,
5 Inc., that was responsible for marketing
6 Norco subsequent to its launch?
7 A. No, I don't. I was not able
8 to look at anyone who had information on
9 that. Dirk did not remember.
10 MR. MELAMED: I don't have
11 any other questions at this time.
12 I will note for the record
13 that I think there were a number
14 of questions for which the witness
15 should have been prepared to
16 respond or should have been able
17 to provide a response and did not.
18 So we'll leave it open. I don't
19 expect you to waive your objection
20 to that.
21 Does anybody else have any
22 questions?
23 VIDEO TECHNICIAN: This
24 concludes today's deposition.

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1 Going off the record. The time is
2 5:42 p.m.
3 - - -
4 (Whereupon, the deposition
5 was concluded for the day at 5:42
6 p.m.)
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1 CERTIFICATE
2
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4 I HEREBY CERTIFY that the
5 witness was duly sworn by me and that the
6 deposition is a true record of the
7 testimony given by the witness.
8
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10
11 Amanda Maslinsky-Miller
12 Certified Realtime Reporter
13 Dated: November 5, 2018
14
15
16
17 (The foregoing certification
18 of this transcript does not apply to any
19 reproduction of the same by any means,
20 unless under the direct control and/or
21 supervision of the certifying reporter.)
22
23
24

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Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

ERRATA

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ACKNOWLEDGMENT OF DEPONENT

I, _____, do hereby certify that I have read the foregoing pages, 1 - 396, and that the same is a correct transcription of the answers given by me to the questions therein propounded, except for the corrections or changes in form or substance, if any, noted in the attached Errata Sheet.

JULIE SNYDER DATE

Subscribed and sworn to before me this

_____ day of _____, 20____.

My commission expires: _____

Notary Public

LAWYER'S NOTES

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